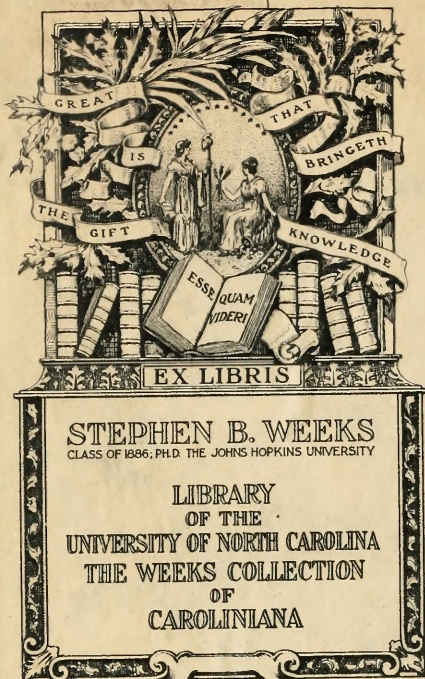


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THE
LAWS
OF
THE STATE OF
NORTH-CAROLINA,
ENACTED IN THE YEAR
1819.

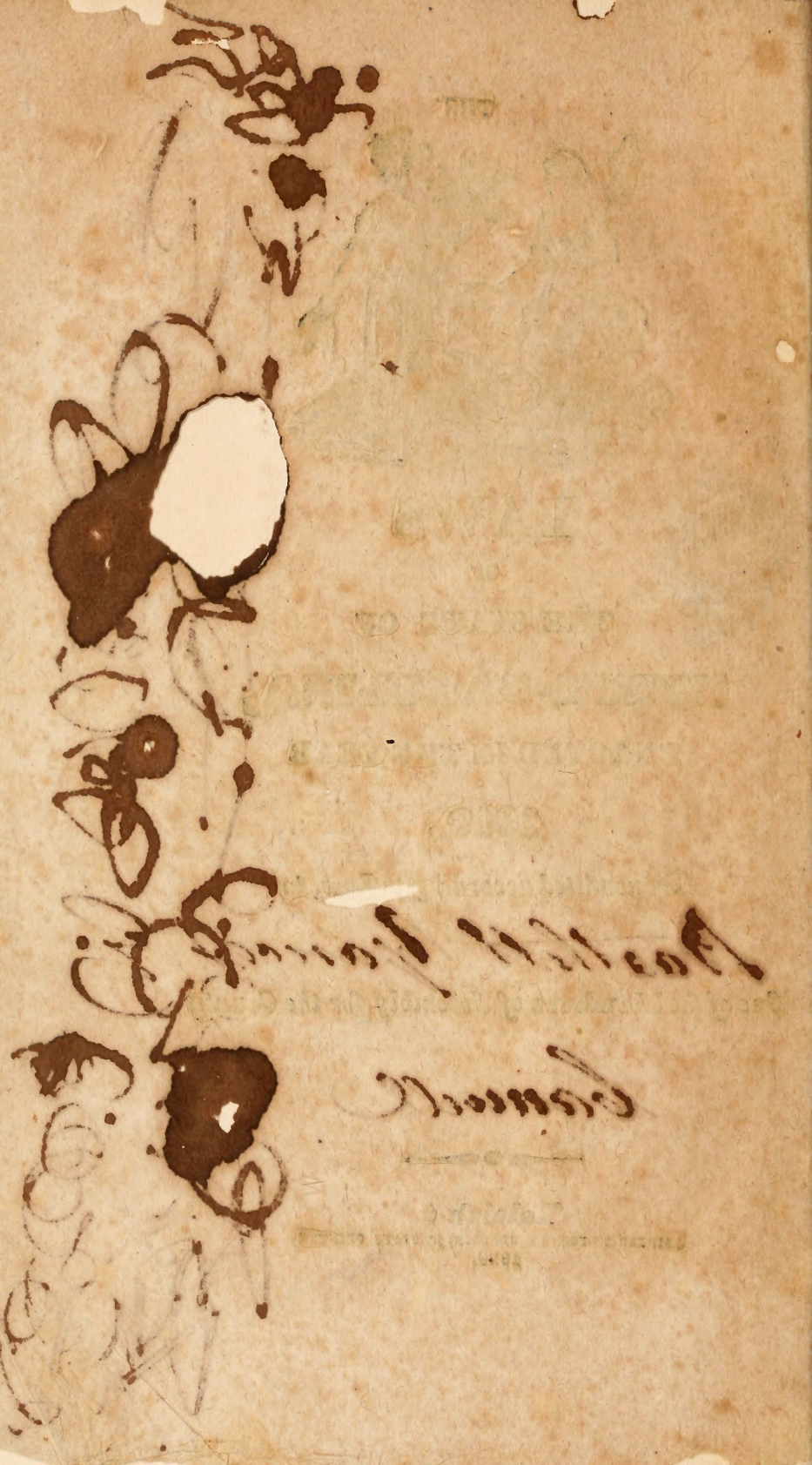
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Asa Hall
One of the Members of Assembly for the County

Carr

Raleigh :

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1820.



LAWS

OF

NORTH CAROLINA,

Enacted by a General Assembly begun and held at Raleigh, on the twentieth day of November, in the year of our Lord one thousand eight hundred and nineteen, and in the forty-fourth year of the Independence of the said State.

1819.

JOHN BRANCH, Esquire, Governor.

CHAPTER I.

An Act to provide a Revenue for the payment of the civil list and contingent charges of government, for the year 1820.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That for the year 1820 there shall be levied and collected from all the real property with the improvements thereon, within this state, subject to taxation, the sum of six cents on every hundred dollars value thereof.

Tax of six cents on every \$100 value.

II. *Be it further enacted,* That a tax on all Stud Horses and Jack Asses within this state, of the full sum which the owner or keeper of such Stud horse or Jack Ass shall ask, demand or receive for the season of one mare, shall be levied, collected and accounted for; and all Stud horses and Jack Asses who are not stationed in any one county, and all those that may be brought from another state to stand for a less term than the season, in this state, shall pay the Sheriff of some county the amount of the season as soon as the season of such horse or jack ass shall commence; or produce a certificate, from a justice of the peace of the county from whence such horse or jack ass came (if in this state) that such stud horse or jack ass has been listed for taxation; and it shall be the duty of the Sheriff to collect the said tax, and on failure of the owner of such horse or jack ass to pay the same when demanded, it may be lawful for the Sheriff to distrain for the same, by seizing the said horse or jack ass and make sale thereof for the tax.

On stud horses and Jacks.

III. *And be it further enacted,* That each and every person who shall peddle in any county in this state, and not on a navigable stream, goods wares or merchandize, not of the growth or manufacture of this state, or jewelry, shall pay to the Sheriff of each and every county, in which he, she or they shall so peddle or

On Ped.

1819.

Auction
sales by
Peddlars pro-
hibited.

hawk goods, wares or merchandize or jewelry, the sum of twenty dollars on every cart, waggon or other vehicle employed in the transportation of the said goods, wares, or merchandize: *Provided*, That no licence to peddle shall authorize such person to sell goods at auction: *Provided*, That should two or more persons employ one cart, waggon or other vehicle to transport their goods, wares or merchandize, each and every of them shall pay the aforesaid tax on said cart, waggon or other vehicle by them employed, nor shall any thing in this act be construed to authorize two or more persons, under the presence of being partners in trade, to peddle goods, wares or merchandize under the same licence; which tax shall be accounted for by the Sheriff in like manner as other taxes: and on paying such tax, and obtaining a receipt therefor, such person shall be authorized and permitted to hawk and peddle goods, wares or jewelry as aforesaid in such county, and no other, for the term of one year thereafter; and every person who shall peddle goods, wares and merchandize not the growth or manufacture of this state, except vegetables or other provisions of the produce of the United States, on any navigable waters in this state, shall pay the Sheriff of each and every county in which he shall so hawk or peddle, fifty dollars, as a tax to the state, to be levied and accounted for as above; and on payment thereof, shall be authorized and permitted to peddle goods as aforesaid in such county and no other, for the term of one year thereafter; and each and every person who shall peddle in any county without previously having paid the tax thereon, and having obtained a licence as hereinafter directed, or who shall refuse or neglect upon the request of the Sheriff or his lawful deputy, or any justice of the peace to shew a licence therefor shall be liable to forfeit two hundred dollars, to be collected by the Sheriff of the county where such offence shall be committed, by distress and sale of the property of such delinquent, and to be applied one half to the use of the state, and the other half to the use of the Sheriff: *Provided nevertheless*; That nothing in this act contained shall extend to tax persons who sell books only; and *Provided* nothing herein contained shall exempt the person or persons thus licensed from being liable to the duties imposed on those who shall sell goods, wares and merchandize at auction.

Penalty
\$ 200

Mode of
issuing li-
cences.

IV. *And be it further enacted*, That the Comptroller shall issue to the several Sheriffs, blank licences to peddle goods within this state, who shall upon application of any person or persons desirous to hawk and peddle goods, countersign and issue the same to the persons so applying, upon his paying the taxes so imposed, and that all licences so issued by the comptroller, and delivered to any Sheriff, shall stand as a charge against said Sheriff for the amount of said licences; and the Sheriff shall be entitled in the settlement of his public accounts to a credit for all licences not issued and countersigned, which

he shall return to the comptroller; and that the comptroller shall issue and deliver to the members of the General Assembly to be delivered to the respective sheriffs, not less than twenty licences for each county before the rise of the General Assembly: and should any sheriff who shall have received any licences as aforesaid resign or the term of his service have expired without having issued the licences so delivered to him, he shall deliver the same to his successor, and the receipt of such successor shall be allowed said sheriff in his settlement with the comptroller.

V. *And be it further enacted*, That every merchant who shall sell goods, wares and merchandize not the growth and manufacture of this state, in any retail store, shall pay the following tax, to wit: If the amount of sales in any one year shall be between four hundred and two thousand dollars, a tax of six dollars; if between two thousand and five thousand dollars, a tax of eight dollars; if the amount of his sales as aforesaid shall be between five thousand and ten thousand dollars, a tax of twelve dollars; if the amount of his sales as aforesaid shall be between ten thousand and fifteen thousand dollars, a tax of fifteen dollars; and if the amount of his sales as aforesaid shall be above fifteen thousand dollars, a tax of twenty dollars; and wholesale merchants shall pay a tax of twenty-five dollars; And every such merchant shall give such store or stores in the list of his taxable property under the same rules and regulations as other taxable property is given in, and the tax thereon shall be levied, collected and accounted for in the same manner as other taxes: *Provided always*, That no retailer of spirituous liquors by the small measure, shall be liable to pay in addition to the tax imposed on said retailers, the tax also imposed on stores, unless such retailers shall sell goods, wares and merchandize other than liquors to the amount herein stated; and *provided also*, That the sheriff may be entitled to demand and collect the tax imposed by this section from such persons also, as keep stores for a less time than one year and shall sell thereout the amount herein specified, although such stores were not open the first day of April.

VI. *And be it further enacted*, That the owners of billiard tables shall hereafter give them in in the same manner as other taxable property, and shall pay for each billiard table, a tax of five hundred dollars; and after the first day of April next, no billiard table shall be erected or kept up until said tax shall be paid to the sheriff of the county in which said table is erected or kept up; and a licence to erect or keep up the same shall be first granted by said sheriff; and if any table is erected or kept up without such licence, the sheriff of the county where the same is so erected or kept up, shall seize and destroy the same; and the person erecting or keeping up the said table shall be subject to indictment, and on conviction shall be fined not less than two hundred dollars, and imprisoned at the discretion of the court.

1849.

On whole
sail and res-
tail stores.

Five hun-
dred dollars
on Billiard
Tables.

1849

1819.

VII. Be it further enacted, That every company of itinerant stage players, rope dancers and wire dancers, and each and every itinerant person or company who shall exhibit natural or artificial curiosities of any kind or sort for a reward, shall previously to performing or exhibiting in any county in this state, pay to the sheriff thereof, twenty-five dollars as a tax to the state, to be accounted for by the sheriff as other taxes; and on paying such tax and obtaining a receipt therefor, such company or person shall be authorized and permitted to perform or exhibit as aforesaid in such county and no other, for the space of one year thereafter, and each and every itinerant stage player, rope dancer or wire dancer, or exhibitor of artificial or natural curiosities, who shall perform or exhibit in any county in this state without previously having paid the tax herein directed, shall be liable to a forfeiture of one hundred dollars, to be collected by the sheriff of said county by distress and sale of the property of such delinquent, and be applied one half to the use of the state and the other half to the use of the sheriff.

Public
Gates.

VIII. Be it further enacted, That a tax of five dollars be, and the same is hereby laid on gates which have been or which hereafter may be at any time erected across any public road within this state; and the owners of such gates shall give in the same at the same time they give in their taxable property; and the tax shall be levied, collected and accounted for in the same manner as other taxes.

IX. Be it further enacted, That all persons who shall bring negro slaves from another state into this state for sale, or shall take any negro slaves through any part of this state for sale, shall pay the sheriff of some one county, the sum of ten dollars, upon each negro slave so brought; and it shall be the duty of the respective sheriffs in this state and their deputies to collect the tax hereby imposed; but if the said person or persons shall produce to the sheriff of any one county, the certificate of the sheriff of any other county duly authenticated under the seal of the clerk of the county in which such sheriff resides, that he has paid the tax hereby imposed, he or they shall be permitted to proceed without the payment of any further tax; And it shall be the duty of the sheriff and his deputy, of each county into which any such negro slave shall be carried by any person or persons whatsoever, to seize such negro slave until the tax hereby imposed is paid, or until the person or persons in whose possession such negro slave may be, shall produce to said sheriff or his deputy, the receipt of the sheriff of some other county, duly authenticated as above, that the tax hereby imposed has been paid or until he shall produce to the sheriff or his deputy, the certificate of the clerk of some court of record of the state from which said negro slaves may have been removed, duly certified according to law, that said negro slaves are not removed for sale, which certificate shall contain the name or names of each and every negro slave so removed; and the owners or possessors of all such slaves so seized, shall pay to the sheriff or his

deputy all expences that may accrue in consequence of seizing, keeping and feeding such slaves: 1819.

X. *And be it further enacted*, That for the year one thousand eight hundred and twenty a tax of twenty cents on each and every free poll, and a tax of twenty cents on each and every black poll, shall be levied and collected, under the same rules, regulations and restrictions as poll taxes heretofore have been collected. Poll tax.

XI. *And be it further enacted*, That all free males between the ages of twenty-one and forty-five years, and slaves between the ages of twelve and fifty years, shall pay a poll tax; and all slaves shall be listed in the county wherein they reside.

XII. *Be it further enacted*, That each Sheriff upon settling his accounts with the comptroller, county trustee and county wardens within their respective counties for the preceding year shall make and subscribe an affidavit that he has duly accounted in his settlement for all taxes received by him under this act, upon any occupation, article or thing not included in the list of taxable property furnished him by the clerk of his county, and shall append to the said affidavit a list of all such taxes so by him received, and the names of the persons from whom he received the same, and set forth opposite to each item the occupation, article or thing for which the said taxes were received. Sheriff's oath on settlement.

XIII. *And be it further enacted*, That in addition to the oath heretofore required to be taken by the sheriff on settling with the comptroller, said sheriff shall swear, that if he collects any delinquent tax beyond those accounted for in said settlement, he will render a true account thereof to the comptroller within one year after such collection; and if it shall be discovered that any sheriff or any person by virtue of having been a sheriff, shall collect delinquent taxes and not account for the same as herein required, such sheriff or other person shall be liable to pay four fold the amount of the sum collected and not accounted for; to be recovered in the name of the state, before any jurisdiction having cognizance thereof.

CHAPTER II.

An Act to create a fund for Internal Improvements, and to establish a Board for the management thereof.

I: *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a fund shall be, and the same is hereby created, to be denominated "the Fund for Internal Improvements," and to be applied exclusively to the internal improvement of this state, unless the necessities of this state shall render it necessary for some future legislature to apply the said fund or part thereof to some other purposes of state. Proceeds of the Cherokee land pledged as a fund.

II. *Be it further enacted*, That the said fund shall consist of the nett proceeds of the sales of the lands lately acquired by treaty from the Cherokee Indians.

1819.

III. *Be it further enacted*, That for the purpose of preserving and improving this fund, and of disbursing such portions of it as the General Assembly may from time to time direct, to be applied to any object of internal improvement; it shall be, and the same is hereby vested in a corporate body, to be styled "The President and Directors of the Board for Internal Improvements," in which name they shall have a common seal and perpetual succession, subject to the limitation herein after provided; shall be capable of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights and privileges of a corporation.

The Governor pre-
sident ex
officio, IV. *Be it further enacted*, That the governor of the state for the time being, shall be *ex officio* president of the board for internal improvements, that the directors, a majority of whom shall constitute a board for the transaction of any business, shall consist of six commissioners, one to be chosen from each of the present judicial circuits of this state.

Directors
chosen an-
nually, V. *Be it further enacted*, That the directors of the board for internal improvements shall be chosen annually, by joint ballot of the two houses of the General Assembly, and receive such compensation for their services as may be allowed by law, which until otherwise provided, shall be the same mileage for travelling to and from the places of sitting, and the same pay *per diem* during the continuance of their session, as is now allowed by law to members of the General Assembly.

Their pay.

VI. *Be it further enacted*, That in the absence of the Governor, the board may elect a president, *pro tempore*, from their own body, who shall preside over the deliberations of the board until the governor is enabled to attend.

Power to
appoint an
Engineer, VII. *Be it further enacted*, That the president and directors of the board shall have power to appoint a principal Engineer of public works and such assistant Engineers or surveyors as in their opinion the public service may require, which said principal Engineer shall superintend and direct all the public works, which the General Assembly have hitherto or shall hereafter order, direct, or authorize; and the said board shall also have power to appoint a secretary to record their proceedings, and the persons so appointed shall receive for their services, such compensation as the board may allow, to be paid out of the revenue of the fund for internal improvements, whenever the same may be adequate thereto.

Their meet-
ings.

VIII. *Be it further enacted*, That the president and directors of the board of internal improvements, shall hold an annual meeting in the city of Raleigh, or at such other place as may be designated by law, to begin on the third Monday of November and to continue until the business of the board be transacted; but the president of the board may at his own pleasure, or shall at the request of any three directors thereof, convene an extra meeting of the board for the transaction of any extraordinary business.

IX. *Be it further enacted*, That the president and directors

of the board for internal improvements, may at their annual meeting, enact, alter, or amend such rules as to them may seem proper for the purpose of regulating the order of their proceedings; that they may adjourn the board for any period not exceeding six months, or when occasion shall require it, have an extra meeting at any other place than that designated by law; and shall have power to make and establish such bye-laws, rules and regulations for the better ordering of the conduct of their officers, agents and servants, as to them may seem expedient: *Provided*, the same be not inconsistent with the constitution and laws of this state, or of the United States. They shall have power at any time during the recess of the legislature to fill any vacancy which may occur in their own body from death, resignation, removal, inability, or any other cause: *Provided nevertheless*, That such vacancy shall be filled by a citizen of this state, to be selected from the judicial circuit where such vacancy happened.

1819.

Author-
ty to fill va-
cancies.

X. *Be it further enacted*, That the fund for internal improvements, subject to the order of the president and directors of the board, shall be deposited in the treasury of the state, and kept distinct and apart from all other public money; it shall be paid out or delivered by the treasurer of the state to the order of the board, certified and subscribed by the secretary and countersigned by the president: That the treasurer shall keep a fair and regular account of all such disbursements, and carefully preserve the certificates upon which the same shall have been made, and shall render an account thereof to the General Assembly at the same time at which he renders his annual account of the disbursements of the ordinary revenue: That once in every year the board of Internal Improvements shall depute a committee of their body to examine the accounts of all disbursements made by order of the board during the year next preceding the annual meeting of the board, and to compare these accounts with the Treasurer's books and the certificates giving authority for the payment of the several sums of money or stock entered therein.

The fund
to be depos-
ited in the
Treasury.

XI. *Be it further enacted*, That the President and Directors of the board of Internal Improvements, shall be and they are hereby authorized, to subscribe in behalf of the State to such public works as the General Assembly may from time to time agree to patronize, such portions of the fund for Internal Improvements as may be directed by law.

Power to
subscribe

XII. *Be it further enacted*, That it shall be the duty of the board of Internal Improvements, to keep a fair and accurate record of all their proceedings, which shall be at all times open to the inspection of the Members of the General Assembly and of the President and Directors, and other officers of any company interested therein. That they shall report to the General Assembly at or near the commencement of every annual session thereof, the exact state of the Fund for Internal Improvement: The progress, condition, and nett income of all the public

Record
of proceed-
ings.

1819. works under their charge: The surveys, plans and estimated expense of such new works as they may recommend to the patronage of the General Assembly; together with such other important information as they may have it in their power to collect in relation to the objects committed to their trust: *Provided*, That wherean appropriation shall be made of any part of the aforesaid Fund to the improvement of any River the improvement of the Navigation of which has already or shall hereafter be committed to and the property therein vested in a Corporation, then and in that case the state shall be considered a stock holder in said company, or corporation, and shall have as many shares as may correspond with the amount of the money thus advanced from, and appropriated out of said Fund for Internal Improvement; and the acceptance by any company or corporation as aforesaid of such advance of money by the State, shall and the same is hereby declared to be the expression of the consent of said company or corporation, to the terms of the advance on the part of the State as expressed and intended by this proviso.

Report to
the Legisla-
ture.

CHAPTER III.

An Act to amend an act passed in the year 1793 entitled "An Act directing the manner of proceeding against the several officers therein named," so far as requires them to renew their bonds once in every three years.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all clerks of the Superior and County Courts, Clerks and Masters in Equity, Registers and public Inspectors, shall, and they are hereby required to renew their several bonds for the faithful discharge of their duties in office with good and sufficient securities at the several and respective Courts wherein they have their appointments, which shall be after the first day of March next ensuing, and once in each and every year thereafter, under the same rules, regulations and restrictions as are provided by the act of 1793, directing the manner of proceeding against the several officers therein named: *Provided*, That nothing herein contained shall be construed to extend to any of the above named officers who shall have given bond as aforesaid within twelve months preceding the first day of March next, but then and in that case it shall be the duty of the aforesaid officers to renew their respective bonds at the expiration of one year from the time of their appointment or the last renewal of their bonds (as the case may be), and once in each and every year thereafter.

Bonds to
be renewed
every year.

CHAPTER IV.

An Act directing the sale of certain Public land adjoining the City of Raleigh and for other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Duncan Cameron, John Winslow, Joseph Gales, William Roberts and Henry Potter be and they are hereby appointed com-
missioners.

1819?

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commissioners for the purpose of selling, and they or a majority of them shall have full power and authority to sell and convey in fee simple by instrument under their hands and seals, all or any part of the public lands contained in the deed from Joel Lane to the Governor for the use of this State and adjoining the City of Raleigh, lying on the East side thereof; except a part thereof, not exceeding twenty acres, to be selected by the Architect superintendent of Public Buildings and reserved for a quarry.

II. *Be it further enacted*, That the said commissioners or a majority thereof shall lay off or cause to be laid off into convenient lots of such size as they may deem most proper, all of the above described land; and when the said lots shall be thus laid off, it shall be the duty of the commissioners or a majority of them to make an estimate of the value of each lot of land, and deposit the same with the Treasurer: and they shall not communicate to any person previous to the sale the affixed value of any lot.

Lots to be valued.

III. *Be it further enacted*, That the said commissioners shall cause to be set up at public auction the said lots of land, first giving sixty days notice by advertisement in the newspapers printed at Raleigh, of the time and place of sale: *Provided always*, That the commissioners shall adopt effectual measures to prevent the bidding off any lot for a less sum than the previous estimation, nor shall any title be made until the purchase money is paid: *Provided*, That nothing in this act shall be construed to empower the commissioners to sell the unappropriated lots which are situate in the corners of the City.

IV. *And be it further enacted*, That the purchasers of the lots of land shall have a credit of one year for one third part of the purchase money, two years for another third, and three years for the remaining third, on giving bond with approved security, payable to the Governor and negotiable at any of the Banks in this State; which bonds shall be deposited with the Treasurer, and by him collected when due.

Terms of Sale.

V. *And be it further enacted*, That the said commissioners shall make a full and complete return of their proceedings herein to the next General Assembly.

VI. *Be it further enacted*, That the said commissioners in laying out the lots as directed in the second section shall also have power to lay off such streets or roads as they may deem advisable.

VII. *And be it further enacted* That the Governor of this State be and he is hereby authorized and empowered to cause the State House to be repaired and improved under the superintendence and direction of the Architect for the State in conformity with the plan prepared and submitted by him to the present General Assembly.

Repair of S. House.

VIII. *And be it further enacted*, That for the purpose of repairing and improving the State House in the manner prescribed in this act, the Governor shall have full power to draw warrants on the Public Treasurer, which shall be paid out of the money arising from the sale of the land by this act directed to be sold, and no other.

The Funds



1819.

## CHAPTER V.

An Act concerning Military Land Warrants.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Governor, Public Treasurer and Comptroller, or a majority of them, are hereby vested with full power and authority to hear and determine all applications which may be made for military land warrants, and their direction in writing or the direction in writing of a majority of them, shall authorize the Secretary of State to issue a warrant for such quantity of land as they or a majority of them may certify to be due to each applicant.

A Board  
appointed  
to grant  
warrants.

II. *And be it further enacted,* That this act shall be in force from and after the passing thereof; and shall remain in force until the meeting of the next General Assembly and no longer.

## CHAPTER VI.

An Act to explain An Act laying duties on sales at auction of Merchandize, passed in the year 1818.

Whereas doubts exist respecting the articles subject to the tax laid by the above recited act; to remove which,

*Be it enacted and declared by the General Assembly of the State of North Carolina, and it is hereby enacted and declared by the authority of the same,* That the said act shall not be construed to affect or extend to the sales at auction of any article the product of the agriculture of this State in its natural or unmanufactured State, nor to any species of stock, or of domestic animal, nor to any articles of household furniture or farming utensils, which have been in use; and that said act shall extend only to sales at auction of such articles of goods, wares and merchandize, as are the ordinary subjects of traffic and sale by merchants and traders.

## CHAPTER VII.

An Act more effectually to punish the making, passing or attempting to pass counterfeit Bank Notes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of or purporting to be a bill or note issued by order of the President and Directors of any Bank or corporation within this State or any of the United States, or any of the Territories of the United States; or any order or check on any of the said Banks or corporations, or any of the Cashiers thereof; or shall pass, utter or publish, or attempt to pass, utter or publish as true, any false, forged, or counterfeited bill or note, purporting to be a bill or note issued by order of the President and Directors of any bank or corporation within this State or any of the United States, or any of the Territories of the U. States, or any order or check on any of the said banks or corporations, or any of the Cashiers thereof.



1819.

knowing the same to be falsely forged or counterfeited, with intention to defraud any corporation, body politic or person, every such person so offending shall be deemed and adjudged guilty of Felony, and being thereof convicted by due course of Law in any court of competent jurisdiction, shall be punished by fine and imprisonment, not exceeding three years, putting in the pillory, public whipping not exceeding thirty nine lashes on his or her bare back, all or any of them at the discretion of the Court, due regard being had to the nature and circumstances of the offence. The punishment

II. *And be it further enacted*, That if any person shall directly or indirectly pass or attempt to pass to any other person for the sake of gain, any false, forged or counterfeited bill or note, purporting to be a bill or note issued by order of the President and Directors of any bank or corporation within this State, or any of the United States, or any of the Territories of the United States; or any false, forged or counterfeited order or check upon any of the said banks or corporations, or any of the Cashiers thereof, (knowing the same to be falsely forged or counterfeited) every such person so offending shall be deemed and adjudged guilty of Felony, and being thereof convicted by due course of law in any Court of competent jurisdiction, shall be punished by a fine to the use of the State not exceeding five thousand dollars, and be imprisoned not exceeding three years, standing in the pillory, public whipping not exceeding thirty nine lashes on his or her bare back, all or any of them at the discretion of the court, due regard being had to the nature and circumstances of the offence.

### CHAPTER VIII.

An Act concerning the clerks of the Superior Courts of law and Equity, and Clerks of the County Courts.

Whereas there is no provision by law, authorizing clerks of the Superior and County Courts to tax parties with the costs and charges of publication in the newspapers in cases of attachment and where parties reside beyond the limits of the State, for remedy whereof.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Clerks of the several Superior Courts of Law and Equity and Clerks of the County Courts of this State, shall hereafter tax the party with the costs of publication in newspapers who are bound to pay the other costs of suit. Who shall pay.

II. *And be it further enacted*, That the said Clerks shall tax hereafter, the parties bound to pay costs with the postage of all letters which cover the transfer of original or mesne process from one County to another.

### CHAPTER IX.

An Act directing the publication of the revisal of the laws of this State, made under the act passed in 1817, entitled an act for the revision of the acts of the General Assembly.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the revisal of the acts of the General Assembly of this State,



1819. made and reported by Henry Potter, John L. Taylor and Bartlet Yancy, Esquires, commissioners appointed under the act of 1817, entitled an act for the revision of the acts of the General Assembly, together with the titles of the statutes or parts of statutes of Great Britain in force in this State, which said commissioners have reported in their opinion to be published in octavo on good paper, and with a new type, to contain the second charter of Charles the second, the great deed of Grant, the Grant from George the second, to John Lord Granville, the bill of Rights and Constitution of the State, together with the names of the persons who were members of the convention, who formed the said Bill of Rights and Constitution, the constitution of the United States, with the amendments, the Treaty of Peace of 1783, and all the acts of the General Assembly reported by the said commissioners, including the acts of 1819, with a copious index thereof.

Revisal to  
be publish-  
ed.

Contract-  
ing commit-  
tee.

II. *Be it further enacted*, That Henry Potter, Esq. together with the Public Treasurer and Secretary of State, are hereby authorized to contract in writing with some fit person, upon the best terms which can be obtained for the printing and binding of the said revisal in a neat and suitable manner; in which contract provision shall be made for supplying the State with two hundred copies of said publication, to be deposited with the Secretary of State; of which number two shall be given to each County for the use of the Superior and County Courts, and that the person who shall become the publisher shall enter into bond with sufficient security in the sum of five thousand dollars, payable to the Governor for the time being, conditioned for the faithful and accurate printing and binding of the said revisal, within a time to be stipulated in the said contract, which bond shall be filed with the Governor.

Henry Pot-  
ter Super-  
intendant.

III. *Be it further enacted*, That Henry Potter, Esq. one of the said commissioners, be and he is hereby appointed superintendent of the printing and publishing of the said work, whose duty it shall be to decide on the quality of the paper, and size and form of the type, and generally as superintendent to do all such things as may best insure the publication of the revisal in a manner suitable to its importance, and the character of the State.— And if the said Henry Potter should die or refuse to act, the Governor is hereby empowered, and he is required to appoint another.

An Act prescribing the mode of surveying and selling the lands lately acquired by Treaty from the Cherokee Indians.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That as soon as may be convenient, after the passage of this act, the Governor shall appoint two Commissioners whose duty it shall be to superintend and direct the manner in which the said lands shall be surveyed and laid off into sections containing from fifty to three hundred acres of land: That they shall further cause the principal surveyor to note down in each of the said sections the quality of the land contained therein,

The Gov-  
ernor to ap-  
point com-  
missioners.



stating that it is of the first, second or third quality ; and in all cases where it can be done with convenience, or the situation of the land will admit of it, such portion of the adjoining mountainous lands shall be included in each section as may be deemed sufficient for buildings, fences, fuel, and other necessary improvements.

1819.

II. *And be it further enacted*, That one principal surveyor of skill and integrity shall also be appointed by the governor, with full power and authority to appoint as many deputy surveyors, chain carriers, and markers, and to employ as many pack-horses as may be thought necessary to complete the said survey in the most speedy and effectual manner ; for whose conduct the said principal surveyor shall be responsible. And the principal surveyor shall give bond and security in the sum of ten thousand dollars, payable to the Governor for the time being, for the faithful discharge of the several duties imposed by this act. It shall further be the duty of the said principal surveyor, under the directions of the commissioners aforesaid, to cause each section by him surveyed, to be measured and marked, and the corners to be clearly designated on trees, or otherwise, with the number of each section.

Principal  
Surveyor.

III. *And be it further enacted*, That each surveyor shall note in his field book, the true situation of all mines, springs, mill seats, and water courses over which the lines he runs shall pass, and those contiguous thereto : That the said field book shall be returned to the commissioners, who shall cause their Principal Surveyor therefrom to make a description of the whole lands surveyed, in three connected platts, one of which, when completed, shall be transmitted to his Excellency the Governor, one to the Secretary's office, and the other lodged and recorded in the clerk's office of the county of Haywood.

His duty.

IV. *And be it further enacted*, That it shall be further the duty of said commissioners to ascertain and fix upon some central and eligible spot for the erection of the necessary public buildings, whenever that section of the state may be erected into a separate county, and that four hundred acres surrounding the said site, shall be reserved for the future disposition of the Legislature.

Site for  
Public  
buildings.

V. *And be it further enacted*, That no portion of said lands shall be surveyed and laid off into sections, except so much thereof as in the estimation of said commissioners will sell for fifty cents per acre ; and that the residue of said lands shall be reserved for the future disposition of the Legislature, and that no part or portion thereof shall be liable to be entered in the entry taker's books for the county of Haywood, or elsewhere, until provisions be made by law for the disposal thereof ; and entries heretofore made, or grants obtained, or which may hereafter be made otherwise than as provided by this act, be and the same are hereby declared to be utterly void and of none effect.

Entries  
prohibited.

VI. *And be it further enacted*, That the Governor on receipt of the platts and drafts heretofore provided for in this act, shall give notice by proclamation in all the Newspapers published in



1819.

Advertise-  
ment of  
Sale.

the city of Raleigh, and in such other papers in the adjoining states of South-Carolina, Georgia, Virginia, and Tennessee, of the time and place of sale as he may deem advisable, which in no case shall be less than two months from the date of the notice, that the said lands shall be exposed at public sale to the highest bidder at Waynesville, in the county of Haywood, under the superintendence of the said Commissioners; and the sale shall be kept open for the space of two weeks and no longer.

Terms of  
Sale.

VII. *And be it further enacted*, That the said commissioners shall require of each and every purchaser to pay down at the time of sale, one eighth part of the purchase money, and shall take bond and security for the payment of the balance in the following installments, viz: The balance of one fourth at the expiration of twelve months, one other fourth at the expiration of two years, one other fourth at the end of three years, and the remaining fourth at the end of four years; and in no instance shall a grant or grants issue to the purchaser, until the whole of the purchase money be paid in full; and in case of failure to pay the whole when due, and the money cannot be obtained by a judgment on their bond, then and in that case the land shall revert to the state, and be liable again to be sold for the use and benefit of the state.

Limited  
price.

VIII. *And be it further enacted*, That if during the time of said sale, any section of land noted to be of the first quality, shall not command in the market the sum of four dollars per acre, the said commissioners shall postpone the sale of such section until further directed by the Legislature: and in like manner lands of the second quality not commanding three dollars, and lands of the third quality, not commanding two dollars, shall be postponed as aforesaid, and report thereof made to the Governor.

Compensation.

IX. *And be it further enacted*, That the said commissioners shall each receive per day, during the time of their performing the said duties, the sum of five dollars, the principal Surveyor the sum of five dollars, and his assistants each the sum of four dollars: each chain carrier and marker, the sum of two dollars, and each man with a pack horse, two dollars and fifty cents; they and each of them bearing their own expences.

When  
grants are  
to be made.

X. *And be it further enacted*, That the said commissioners shall give to each purchaser a certificate describing the land by him purchased, with a plat of the lot and number of the section conformable to the plan returned to the Secretary's office; upon the production of which and proof of the payment of the purchase money made to the Secretary by the Treasurer's receipt, it shall be the duty of said Secretary, to issue a grant to the purchaser for the said lot of land in the usual and common form.

XI. *And be it further enacted*, That each commissioner shall give bond and security, payable to the Governor and his successors in office, in the sum of eighty thousand dollars, for the faithful discharge of the several duties imposed on them by this act.



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XII. *And be it further enacted*, That the bonds to be taken by the said commissioners for securing the balance of the purchase money, shall be by them lodged with the treasurer of the state, and they shall take from him duplicate receipts, one of which shall be filed with the comptroller, who shall thereupon raise an account with the obligors.

XIII. *And be it further enacted*, That the said commissioners shall render an account upon oath to the Comptroller, of all monies by them received from purchasers on the several days of sale, and pay the amount thereof, into the Treasurer's office, at as early a period as possible after the said sales are over. Return to the Comptroller.

XIV. *And be it further enacted*, That until the said section of country is laid off into a separate and distinct county, it shall be and remain subject to the jurisdiction of the county of Haywood and form a part thereof. Part of Haywood county.

XV. *And be it further enacted*, That it shall be the duty of the Governor to instruct the said commissioners as to the money or Notes of Banks other than those of this State which shall be received in payment of said land. Kind of money.

XVI. *And be it further enacted*, That if any purchaser shall be disposed to pay the whole of the purchase money or any particular instalment in advance, the Treasurer or the Commissioners are authorized to receive the same, and he shall be allowed a Discount at the rate of eight per Centum per Annum on such advancement. Discount of 8 per cent.

XVII. *And be it further enacted*, That the Governor be and he is hereby authorized to draw on the Treasurer for the sum of three thousand dollars, to be paid to the commissioners to enable them to commence the said business, and by them to be applied towards paying charges and expenses incident to the performance of the duties enjoined on said commissioners, and for which the said commissioners shall give the state credit on the final settlement of their accounts. Advance of \$3000 to be made.

XVIII. *Be it enacted by the authority aforesaid*, That each and every purchaser of any section, or sections of said land, having obtained a certificate from the commissioners as heretofore provided in this act, his heirs and assigns, shall have full power and authority to institute an action of ejectment in the name of the State of North Carolina, against any person or persons, who may be in possession of such section of land, and shall on application refuse to deliver up quiet and peaceable possession thereof. And the certificate of the commissioners to such person shall be evidence of title and right to sustain said action, unless it shall appear to the court before whom such action is tried, that said purchaser has forfeited his right under said purchase as in this act provided. *Provided*, the said purchaser shall give bond and security for the payment of all costs accruing in said action in case of his failure to recover. Occupants may be ejected.



## CHAPTER XI.

1819.

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An Act making provision for running the boundary line between this State and the State of Tennessee.

Preamble.

Whereas it is essential to the interest of this State in the disposal of the lands lately acquired by the Treaty from the Indians, and to the continuance of the good understanding now happily subsisting between this State and the State of Tennessee, that the boundary line between the two States should be accurately run, distinctly marked, and permanently established.

Governor  
to appoint  
three com-  
missioners.

*Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Governor shall and he is hereby authorized to appoint three commissioners to meet the commissioners who may be appointed by the State of Tennessee, at such time & place as may be by the said commissioners or by a majority of those representing the respective States, be agreed on, and with them to settle, run, and mark the boundary line between this State and the State of Tennessee, agreeably to the true intent and meaning of the act of the General Assembly of this State, entitled, "An Act for the purpose of ceding to the United States of America certain Western Lands therein described."

Notice to  
be given.

II. *Be it further enacted by the authority aforesaid,* That the Governor, as soon as may be after the passing of this act, shall give notice thereof to the Governor of the State of Tennessee, and shall request the appointment of commissioners on the part of the said State, to act with those appointed by this State in ascertaining, running, and marking the boundary line between the two States; and this State will at all times hereafter, ratify and confirm all and whatsoever the said commissioners, or a majority of those of each State, shall do, in and touching the premises, and the same shall be binding on this State.

Duty of  
commission-  
ers.

III. *Be it further enacted by the authority aforesaid,* That if it shall so happen that commissioners shall not be appointed by the State of Tennessee, to act with the commissioners of this State in amicably ascertaining, and marking the boundary line between the States; or if it shall happen that the commissioners appointed by the State of Tennessee shall refuse to act with the commissioners on the part of this State, the commissioners on the part of this State are hereby authorized and required to proceed in running and marking said line from the Smoky Mountain, where the line terminated which was run in the year one thousand seven hundred and ninety nine, under the direction of Joseph McDowell, Mussendine Matthews, and David Vance, commissioners appointed by the act of the General Assembly of this State, passed in the year one thousand seven hundred and ninety six, for running and marking said line to the thirty fifth degree of North latitude, according to the courses designated in the act of seventeen hundred and eighty nine, "entitled an act for the purpose of ceding to the United States of America certain Western lands therein described." And the commissioners on the part of this State, shall cause an accurate plan



of said boundary line to be made, specifying the courses, distances, natural and artificial marks thereof, and return the same to the General Assembly of this State.

1819-

IV. *Be it further enacted by the authority aforesaid*, That in case of the death, refusal to act, or resignation of any of the commissioners hereby appointed, the Governor is hereby authorized and required, as speedily as may be, to appoint another commissioner or commissioners in the place of such as may have died, resigned, or refused to act.

V. *Be it further enacted by the authority aforesaid*, That the commissioners appointed under this act, or by the Governor under the authority thereof, shall be allowed for their personal services the sum of five dollars per day. And the said commissioners or a majority of them are hereby authorized to employ such surveyor or surveyors, and such chain carriers and markers, as they or a majority of them shall deem necessary: Each surveyor so appointed shall be allowed five dollars per day, each chain bearer and marker shall be allowed two dollars and fifty cents per day, said commissioners, surveyors, chain bearers, and markers bearing their own expenses.

Their compensation.

VI. *Be it further enacted by the authority aforesaid*, That to enable said commissioners to make advances to the persons employed by them during the progress of said running, and to compensate them at the close thereof, the governor by his warrant shall direct the Treasurer to pay to said commissioners upon their notifying to him that they are ready to proceed to the discharge of the trust hereby reposed in them, the sum of one thousand dollars. And said commissioners shall account for their application of said money to the succeeding General Assembly.

Advances of \$1000 to the Commissioners.

## CHAPTER XII.

An Act prescribing the manner of assessing lands in this State for Taxation.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Justices of the Peace appointed to take the lists of taxable property, within the several counties in this State, according to the directions of the act of assembly passed in the year one thousand eight hundred and one, entitled "an act to fix a uniform time for taking the list of taxable property throughout the State" and for enforcing the collection of Taxes, shall after giving due notice thereof according to the directions of the before recited act, require each and every person or persons liable to pay a land tax by lease or otherwise, to list each and every tract of land by him, her or them holden within the county, stating the number of acres of each separate tract, its local situation and its reasonable value including the improvements thereon: And Guardians of Minors, Lunatics and persons *non compos mentis* shall in like manner list the lands of their Wards and of such Lunatic and person *non compos mentis*, and each and every person or persons liable and bound to list lands as aforesaid,

Manner of giving in property.



1819.

Where  
land is un-  
dervalued.

shall return the said list upon Oath or Affirmation, as the case may be, as it respects the number of acres, and shall affix the value to each tract of land including the improvements thereon, contained in said list, not less than the value affixed to the same by the board of principal assessors under the last act of Congress providing for the assessment of lands of the United States; and it shall be the duty of the Justices of the Peace by whom the list of Taxables are taken, to return to the clerk of the court with his list of taxables the abstract of assessment furnished him by the clerk: And in all cases when by reason of improvements made on the said lands since the said assessment was made or by any other cause, the Justice receiving such list shall be of opinion that the said assessment is below the real value of said land with its improvements, he shall appoint two free holders, acquainted with said land, to value said land upon oath, and such persons shall receive a compensation for their services of one dollar each, for every day they may be engaged in valuing said lands, to be paid by the owners of lands; *Provided* the valuation made by such persons shall exceed that returned to the justice by the owner of the land; and in case the valuation shall not exceed that returned by the said owner, the compensation as aforesaid shall be paid by the county, *Provided*, That when a tract of land shall be in two or more counties the person shall be bound to list the same in the county where he or she resides, if he or she resides in either of the counties, and if not then he or she may list the same in either of the said counties: and in case of transmitting a list of taxable property from the county in which the person bound to list it resides, to that in which the property is situate, the oath required to the list may be taken before any magistrate of the county in which the person bound to return the same resides.

Board of  
appeal.

II. *And be it further enacted*, That at the term of the courts of Pleas and Quarter Sessions to which the lists of taxables are returned, the said court not less than seven Justices being present, shall appoint three respectable free holders, as a board of appeal, to whom the clerk of said court shall deliver the lists of taxables returned to his office: who before they enter on the duty assigned them by this act, shall take an oath before some Justice of the peace, to discharge said duty to the best of their judgment and ability: said board shall meet at the Court House on the Monday following said court, shall hold their sittings on every day of that week unless the court shall limit their sitting to a less number of days, and shall hear the complaints not only of those who feel aggrieved by the valuation affixed to the lands returned by them for taxation, but also the complaints of any other person who shall represent that Justice has not been done to the State by the reason of the low assessment of the lands of any person; such board shall have power to administer oaths, may require the oath of the complainant, shall affix such valuation to any lands or Town lots as they believe just, as well from their own knowledge of such lands and town lots as from the evidence ad-



duced before them; shall return their valuations to the clerk of the court, and such decision shall be final; said board shall receive a reasonable compensation not less than two dollars per day to be allowed by the Court appointing them, and be paid by the County Trustee.

1819.

III. *Be it further enacted*, That the clerks of the respective Courts of Pleas and Quarter Sessions in every county, shall by public advertisements notify the inhabitants of their counties of the term to which the lists of taxables will be returned, and that the board of appeal will meet at the Court House on the Monday following said term, and of the number of days said board will set to hear appeals.

Due notice  
to be gi-  
ven.

IV. *And be it further enacted*, That every person appointed a member of the board of appeal and failing to attend and act in such appointment, unless unable to attend, shall forfeit one hundred dollars, to be recovered in any court having jurisdiction thereof, and the vacancy in the board shall be filled by the remaining members.

Penalty for  
refusing to  
act.

V. *Be it further enacted*, That if any person holding lands, or any guardian of a Minor, Lunatic, or person *non compos mentis* shall fail to list the lands which he is bound to list by this act, he or she shall pay a double tax, to be collected by the Sheriff out of his or her property by distress or other mode heretofore used in such cases, and the lands of a Minor, Lunatic or person *non compos mentis*, shall in no case be liable to be sold for taxes.

Double tax.

VI. *Be it further enacted*, That the Justices appointed as aforesaid shall make out a fair copy of the list of lands by them taken in alphabetical order, with the number of acres and valuation annexed, and return the same together with the list of other taxable property by them taken, to the Clerk of the County Court at the next succeeding Court which may happen after the time prescribed by law for taking the list of taxable property; and the clerks of the several County Courts are hereby required, under the same penalties, regulations and restrictions as are already by law enjoined, to return to the Comptroller on or before the first day of September, in each and every succeeding year thereafter, an abstract of such lists shewing the number of acres of land so listed, the valuation thereof and the valuation of town property which shall be contained on said lists.

Returns to  
be made.

VII. *Be it further enacted*, That it shall be the duty of each of the Clerks of the County Courts in this State, who have not already obtained the same, to apply to the principal assessors appointed under the late act of Congress for laying and collecting a direct tax for the district in which his county be situate, for a copy of the valuation of lands in said county made by the assessors under the said act, and it shall be the duty of said assessors to furnish such copy, for which he shall be paid a sum not exceeding ten dollars: And the Clerk shall furnish each Justice of the Peace appointed to take the list of taxable property in his county with an abstract of said copy, shewing the assessed

Clerk's  
duty.



1849. value of each tract of land in the district for which the said Justice shall be appointed to take the list of taxable property.

VIII. *Be it further enacted*, That the Clerks of the several County Courts shall, within thirty days after the board of appeal have finished its session, deliver to the Sheriffs of their respective Counties a fair and accurate copy of the returns made in alphabetical order, and shall annex to the valuation of each person's property, the amount of taxes due thereon, and in case of failure thereof be under the same rules and penalties as are already prescribed by law; and the respective Sheriffs shall proceed, after the first day of April in each and every year, to collect the said taxes and shall account for the same on or before the first day of October, in each and every year, under the same rules, regulations and penalties as are now by law prescribed.

IX. *Be it further enacted*, That if any person owning lands in any county within this State or any non resident shall fail to return either by himself or agent to the Justice appointed to take the list of taxable property in the district in which the land of such owner or non resident may be situated, a list of his or her land with the number of acres and their valuation in manner herein before prescribed; it shall be the duty of the said Justices to appoint a free holder acquainted with the lands to value the same on oath, within five days and return the valuation to the said Justice: And the said freeholder shall receive a compensation of one dollar for each tract by him valued to be levied and collected by the Sheriff at the time he collects the taxes on said land, if not previously paid by the owner, and under the same rules, regulations and restrictions:

Where re-  
turns are  
not made

X. *Be it further enacted*, That where any person shall have failed either by himself, agent, or guardian to list his, her or their lands, and the Justice appointed to take the list of taxable property shall have failed to have the same assessed according to the provisions aforesaid, it shall be the duty of the sheriff within the time prescribed for collecting taxes, to summon one freeholder near to or acquainted with the lands, whose duty it shall be within five days after such notification, to value said lands on oath, which oath the Sheriff or his lawful deputy is hereby authorized to administer: And it shall be the duty of such freeholder summoned as aforesaid to transmit under his hand a fair transcript of such valuation to the Clerk of the County Court at or before the succeeding County Court, and also to deliver to the Sheriff another transcript of the same within ten days after the valuation aforesaid, and that the said freeholder shall receive a compensation for his services as assessor of one dollar for every tract of land by him assessed to be levied and collected by the Sheriff at the time he collects the taxes on said land if not previously paid by the owner; and the Clerk of the County Court shall incorporate the returns made by the freeholders aforesaid with those made by the Justices.

XI. *Be it further enacted*, That the valuation of lands and their improvements as required by this act, shall be made in dollars



1819.

Town prop-  
erty.

and cents; and the lands liable to be sold for taxes shall be sold under the same rules, regulations and restrictions as are by law established; and town property shall be given in and assessed in the same manner as prescribed in this act for other real estates.

XII. *Be it further enacted*, That any person summoned or appointed by the Justices or Sheriff, as aforesaid to value lands, who shall refuse or fail to perform the duties required by this act shall forfeit and pay the sum of fifty dollars to be recovered in the name of the County Trustee to the use of the County.

## CHAPTER XIII.

An Act giving to the Courts of Pleas and Quarter sessions power to regulate separate elections.

Whereas much of the time of the General Assembly is required to pass acts establishing and altering the places of holding separate elections,

*Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Courts of Pleas and Quarter Sessions of this state, at the term of election of sheriffs, a majority of the justices of said county being present, shall have full power and authority to fix and alter the places of holding separate elections in their respective counties; elections at the places so fixed to be subject to the same rules and regulations as elections are subject to by the general laws of the state.

## CHAPTER XIV.

An Act to prevent fraudulent trading with Slaves.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That if any person or persons shall deal, trade or traffic with any negro slave, the property of another, for any cotton, tobacco, flax, corn, wheat, rice, rye, oats, barley, bacon, pork, spirituous liquors or beef, at any time, or for any kind of goods or of commodities, or any thing in the night time, or between the setting of the sun and the rising thereof, or on the sabbath day, without a permission in writing from the master, mistress or other person having the management of such slave or slaves, setting forth the specific article or articles such slave or slaves may have for sale, every such person or persons, on conviction before any justice of the peace in the county where such offence was committed, shall pay the sum of fifty dollars, the one half thereof to the use of the person suing for the same, and the other half to the wardens of the poor of said county.

Penalty  
\$50.

II. *Be it further enacted*, That the said offence shall moreover be indictable in the County or Superior Court; and the defendant on conviction, shall be fined or imprisoned at the discretion of the Court, *Provided*, the fine shall not exceed fifty dollars, or the imprisonment three months.

Further  
penalty

III. *Be it further enacted*, That if it shall appear on the trial that the defendant is a licenced retailer of spirituous liquors by



1319. the small measure, he or she shall also forfeit his or her retailing licence, and shall be incapable of taking a new licence for the space of two years from and after the date of his or her conviction.

IV. *Be it further enacted*, That either of the parties being dissatisfied with the judgment of the justice, or verdict of the jury, may appeal therefrom as in other cases.

#### CHAPTER XV.

An Act more effectually to compel payment from the officers therein named of monies by them received in virtue or under colour of their office.

Judgment  
may be had  
on 10 days  
notice.]

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That whenever a sheriff, coroner, constable, Clerk of a court of law, or clerk and master in equity has collected or received, or shall have collected or received, any money by virtue or under colour of his office, and on demand shall fail to pay the same to the person entitled to require the payment thereof, it shall be lawful for the person thereby aggrieved to move for judgment, in any court having competent jurisdiction, against such sheriff, coroner, constable, clerk, or clerk and master as the case may be, and against any or all of his securities; and it shall be the duty of such court to try the same and to render judgment accordingly, and at the term when the motion shall be made, provided ten days notice in writing of such intended motion shall have been previously given to the person or persons against whom judgment is prayed.

12 per  
cent. damages.

II *And be it further enacted*, That whenever hereafter money received as aforesaid, shall be unlawfully detained by a sheriff, coroner, constable, clerk of a court of law, or clerk and master in equity, from any person entitled to require the payment thereof, it shall be lawful for the person thereby aggrieved, whether pursuing his remedy against such delinquent or his representatives, or his securities, whether suing in the mode by this act prescribed or in any other way known to the law, to recover over and above the sum detained, damages at the rate of twelve per centum per annum, from the time of such detention until payment, and such damages shall form a part of the judgment to be rendered in his behalf by the court or the magistrate before whom his action may be brought: *Provided*, That such officers shall not be liable to the damages hereby given, if such officer shall offer payment in any of the notes of the Banks of this State; unless the creditor shall have given notice to such officer not to receive any monies but gold or silver.

#### CHAPTER XVI.

An Act to amend an act passed in the year 1812, entitled "an act making the protest of a notary public evidence in certain cases."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in all actions of law, wherein it may be necessary to prove



a demand upon, or notice to the drawer or indorser of a bill of exchange or promissory note or other negotiable security, the protest of a notary public, setting forth that he has made such demand, or given such notice and the manner in which he has done the same, shall be *prima facie* evidence that such demand was made or notice given, in manner set forth in such protest.

1819.

## CHAPTER XVII.

An Act to prevent frauds in the revocation of last wills and testaments.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That no devise in writing of lands, tenements or hereditaments, or any clause thereof shall be revocable, otherwise than by some other will or codicil in writing, or other writing declaring the same, or by burning, cancelling, tearing or obliterating the same, by the deviser himself, or in his presence and by his direction and consent: But all devises of lands and tenements, shall remain and continue in force until the same be burnt, cancelled, torn or obliterated by the deviser, or in his presence and by his consent and direction; or unless the same be altered or revoked by some other will or codicil in writing, or other writing of the deviser signed by him or some other person in his presence and by his direction, and subscribed in his presence, by two witnesses at least, or unless the same be altered or revoked by some other will or codicil in writing or other writing of the deviser; all of which shall be in the hand writing of the deviser, and his name subscribed thereto or inserted therein, and lodged by him with some person for safe keeping, or left by him in some secure place, or among his valuable papers or effects; every part of which will or codicil, or other writing shall be proved to be in the hand writing of the deviser, by three witnesses at least.

II. *And be it further enacted,* That no will, in writing, passing or bequeathing a personal estate of greater value than one hundred pounds current money of North-Carolina, or any clause thereof shall be revocable otherwise than by some other will or codicil or other writing declaring the same; or by burning, cancelling, tearing or obliterating the same, by the testator himself, or in his presence or by his direction and consent. But such will in writing, passing or bequeathing a personal estate of greater value than one hundred pounds, shall continue and remain in force until the same shall be burnt, torn, cancelled or obliterated by the testator himself, or in his presence by his direction and consent, or unless the same be altered or revoked by some other will or codicil, or other writing executed in the same manner, and with the same formalities as a will, good and sufficient in law to pass a personal estate of greater value than one hundred pounds currency.

Devises of lands, in writing can only be revoked by some other will or codicil, or by burning, cancelling, &c. either by the deviser himself, or in his presence, by his consent.

Some of devised personal estate exceeding 100 pounds value.



1819.

## CHAPTER XVIII.

An Act to confirm the boundary line between this State and the State of Georgia, so far as the same has been run.

Whereas the States of Georgia and North-Carolina, by their respective commissioners, duly authorized for that purpose, have run and marked in part, the boundary line between the said states, in conformity with articles of conventional agreement made and concluded by, and between the said states, by their respective commissioners, at Buncombe Court-House, on the eighteenth of June, one thousand eight hundred and seven: And whereas, the said first mentioned commissioners have reported the running and marking said boundary line as follows:—To commence at Ellicott's Rock, and run due west on the thirty-fifth degree of north latitude, and marked as follows: The trees on each side of the line with three chops, the fore and aft trees with a blaze on the east and west side, the mile trees with the number of miles from Ellicott's Rock on the east side of the tree, and a cross on the east and west side; whereupon the line was commenced under the superintendence of the undersigned commissioners jointly: Timothy Tyrrel, Esquire, surveyor on the part of the commissioners of the state of Georgia, and Robert Love, Esquire, surveyor on the part of the commissioners of the state of North-Carolina—upon which latitude the undersigned caused the line to be extended just thirty miles due west, marking and measuring as above described, in a conspicuous manner throughout; in addition thereto, they caused at the end of the first eleven miles after first crossing the Blue Ridge a rock to be set up descriptive of the line, engraved thereon upon the north side, September 25th, 1819, N. C. and upon the south side, 35 degree N. L. G. then after crossing the river Cowee or Tennessee, at the end of sixteen miles near the road, running up and down the said river, a locust post marked thus on the south side, Ga. October 14, 1819; and on the north side, 35 degree N. L. N. C. and then at the end of twenty-one miles and three quarters, the second crossing of the Blue Ridge, a rock engraved on the north side, 35 degree N. L. N. C. and on the south side, Ga. 12th Oct. 1819; then on the rock at the end of the thirty miles, engraved thereon, upon the north side, N. C. N. L. 35 degree G. which stands on the north side of a mountain, the waters of which fall into Shooting creek, a branch of the High-wasse, due north of the eastern point of the boundary line, between the states of Georgia and Tennessee, commonly called Montgomery's Line, just six hundred and sixty-one yards.

*Be it enacted, by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the said boundary line, as described in the said report, be, and the same is hereby fully established, ratified and confirmed forever as the boundary line between the States of North-Carolina and Georgia.*

*II. And be it further enacted, That this act shall be in force from and after the passing thereof.*

The line  
as agreed to  
be run in  
1807.

Run in  
1819.

Confirmed.



## CHAPTER XIX.

1819.

An Act to amend the acts respecting lands sold for taxes.

*Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That the sheriff of every county shall at the term of the Court of Pleas and Quarter Sessions of his county, next preceding the day he shall fix for the sale of any lands for taxes, in open court return a list of the tracts of land upon which the taxes are unpaid, and which he proposes to sell for the taxes; therein mentioning the owner of each tract and if the owner be unknown, the name of the last known or reputed owner shall be mentioned, the situation of said lands, and the amount of tax thereon due, which said list shall be read aloud in open court, recorded by the clerk, upon the minutes of the court, and a copy thereof shall be put up by the said clerk, during the said term, in the court room.

Sheriff to return to the county Court before he sells a list of the lands to be sold for taxes.

II. *Be it further enacted,* That it shall be the duty of the sheriff at the term of the Court of Pleas and Quarter Sessions of his county, next after any sale of lands by him made for taxes, to return to said court a list of the tracts of land by him sold for taxes, the quality thereof so bid off for the tax, the name of the purchaser, and the sum due or paid to said sheriff, by said purchaser for tax and charges, which list shall be read aloud by the Clerk in open Court, shall be recorded in the minutes of the court, and a copy thereof shall be put up by the clerk during the said term in the court room.

Also to return a list of sales.

III. *Be it further enacted,* That it shall be competent for any person desiring to redeem said lands, to pay the sum due for the redemption thereof, to the clerk of the said court, whose receipt shall discharge the said land from all claim from the purchaser: *Provided,* such payment be made within the time fixed by law for redemption of lands sold for taxes; and *Provided also,* That nothing herein contained shall be construed to dispense with the advertisement by the sheriff of his sales of lands for taxes as now by law directed.

But advertisement to be made as usual.

## CHAPTER XX.

An Act to amend an act passed in the year one thousand eight hundred and fourteen, entitled "an act concerning divorce and Alimony."

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That when on complaint and due proof made, a competent court shall hereafter decree a divorce from bed and board, the wife so divorced shall have capacity to acquire, retain and dispose of all such property as may thereafter be procured by her own industry or may accrue to her by descent, devise, gift, bequest or in any other manner; and that the said property shall not be liable to the power, dominion, controul or debts of her husband, but on her death without a disposition thereof by her, shall be transmissible in the same manner as though she were unmarried.

After divorce the wife can hold and transmit property.

II. *And be it further enacted,* That after a divorce decreed



1819. as aforesaid, the wife may sue and be sued without joining her husband, and may claim redress for, and be made liable upon Also may contracts and injuries thereafter made and done as though she sue and be were a feme sole.  
 equal.

#### CHAPTER XXI.

An Act to provide for the payment of witnesses on behalf of the state in certain cases.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,*  
 Witnesses to be paid by the county in certain cases. That hereafter witnesses summoned or recognized on behalf of the state, to attend on any prosecution either in the Superior or County Courts and the defendant by law shall not be bound to pay the same, and the court do not order them to be paid by the prosecutor, shall be paid by the county in which said prosecution was commenced.

#### CHAPTER XXII.

An Act to amend an act passed in the year one thousand eight hundred and two, entitled "An act to prevent conspiracies and insurrections among slaves."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,*  
 Death or transportation. That when any slave or slaves shall hereafter be convicted of either of the felonies created and recited in the first or second section of said recited act, he, she or they shall suffer death without benefit of clergy; or be transported according to the provisions of said recited act.

#### CHAPTER XXIII.

An Act to repeal part of an act passed in the year one thousand seven hundred and eighty-four, entitled "an act for the more regular collecting and accounting for the public taxes."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,*  
 Dispenses with the approbation of the council to the bond. That so much of an act passed in the year one thousand seven hundred and eighty-four, entitled "an act for the more regular collecting, payment of, and accounting for the public taxes" as requires that the bond directed by law to be annually given by the Public Treasurer, shall be approved by the Governor's council, be and the same is hereby repealed.

#### CHAPTER XXIV.

An Act for the speedy decision of controversies about lands conveyed to or condemned for the use of Companies incorporated for cutting canals or for other public purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,*  
 County & Superior courts may decide. That in all cases where disputes have arisen or shall arise between an incorporated company, for cutting a canal, or for other public purposes, and any individual or individuals, claiming the possession of, or title to, land alleged to have been conveyed



to an incorporated company, for cutting a canal or for other public purpose, or to have been condemned for the use thereof, and of which land the alledged conveyance or condemnation is not to be found of record, full and complete jurisdiction of all such disputes and of the subject matter thereof, both in law and equity, be, and the same is hereby given to the Court of Pleas and Quarter Sessions of the county wherein the land lies, and also to the Superior court of said county; and it shall be competent for either court, upon a petition in writing, whereof ten days previous notice shall have been given to the adverse party, to examine into the matter in controversy in a summary way, and to render and carry into execution such decree therein, as of right and in equity ought to be made and done.

1819.

Such cases in summary way.

II. *And be it further enacted*, That this act shall be in force from and after its ratification.

## CHAPTER XXV.

An Act to authorize the Rangers of the several counties in this State, to administer oaths in certain cases, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be the duty of the Rangers in the several counties in this state, on all applications to enter on their respective books, any estray or estrays, to administer to the freeholders called upon to value such estray or estrays, on oath for the faithful and impartial discharge of their duty; and also to administer the usual oath to persons by whom the owner or owners of property entered or to be entered as estrays may wish to prove his, her or their title of such property: And any person swearing falsely and corruptly before any Ranger in this state, in any case in which he is authorized by this act to administer oaths, shall upon conviction, suffer the penalties already prescribed by law in cases of perjury.

Rangers authorized to administer oaths.

II. *And be it further enacted*, That if any person shall hereafter take up any estray or estrays, and shall fail to have the same valued and entered upon the ranger's books as by law directed, he, she or they so offending, shall forfeit and pay the sum of ten pounds, to be recovered as heretofore provided by law.

Penalty of ten pounds for neglecting to enter a stray.

III. *Be it further enacted*, That all acts and clauses of acts, coming within the meaning and purview of this act, be and they are hereby repealed.

## CHAPTER XXVI.

An Act concerning Militia fines and forfeitures.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the acts of the General Assembly now in force, as directs that the fines and forfeitures incurred by officers of regiments, brigades and divisions, for not making the returns re-

Fines for not making returns, not to be appropriated to the use of regiments.



1819. quired by law, to be appropriated to the use of the said regiments, brigades and divisions, be, and the same is hereby repealed.

But to be paid into the Treasury  
 II. *And be it further enacted,* That all such fines and forfeitures shall hereafter be paid into the Public Treasury of this state by the officers into whose hands the same may come, to form a fund for the payment of the salary allowed to the adjutant general, and to defray the contingent charges incurred in the execution of the laws respecting the militia.

III. *And be it further enacted,* That this act shall be in force from the passing thereof.

#### CHAPTER XXVII.

An Act relative to the apprehension of runaway Slaves.

Five dollars to the apprehender.  
*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That all persons hereafter, who may apprehend and confine in jail any runaway slave agreeably to the existing laws, for whom a reward shall not have been offered, shall be entitled to recover and receive from the owner of such slave, the sum of five dollars, to be taxed by the jailor against such owner, and collected with his prison fees, *Provided however,* That this act shall not be construed to extend to cases where a slave is apprehended in the county in which their master, mistress or overseer resides.

#### CHAPTER XXVIII.

An Act to change the time of holding the Supreme Court of this State.

Second Monday June, last Monday Dec.  
*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That after the close of the present term of the Supreme Court, the said Court shall hold their sittings on the third Monday of June, and the last Monday of December annually.

#### CHAPTER XXIX.

An Act to make void parol contracts for the sale of Lands and Slaves.

Contracts must be in writing except for leases under 3 years.  
*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That all contracts to sell or convey any lands, tenements or hereditaments, or any interest in or concerning them, or any slave or slaves, shall be void and of no effect, unless such contract or some memorandum or note thereof, shall be put in writing and signed by the party to be charged therewith, or some other person thereto by him lawfully authorized: except nevertheless contracts for leases not exceeding in duration the term of three years.

Takes effect Jan. 1, 1820.  
 II. *And be it further enacted, by the authority aforesaid,* That this act shall be in force, from and after the first day of January, one thousand eight hundred and twenty one, and not before that time.



## CHAPTER XXX.

1818.

An Act for the preservation of the floating bridges in this State.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall not be lawful for any person to tie or make fast any 50 dollars  
decked vessel to any of the float bridges of this State: and any for making  
person violating this act shall forfeit and pay fifty dollars recover- fast a ves-  
able before any jurisdiction having cognizance thereof, the one sel to any  
half to the use of the person suing for the same, and the other bridge.  
half to the wardens of the poor in the county where such bridge  
is situated: and where such bridge crosses a county line the  
justices of either county shall have jurisdiction under this act;  
and the one half shall be paid to the wardens of the poor of the  
County where judgment is given by the justice, any law to the  
contrary notwithstanding.

## CHAPTER XXXI.

An Act regulating Clerk's fees in certain cases.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That for each and every witness ticket or juror's ticket which Ten cents  
the clerk of the Superior Court of law, or clerk of the court of for tickets.  
Pleas and Quarter Sessions of the several counties in this state  
may hereafter issue; such clerk shall be authorized to charge the  
sum of ten cents and no more.

## CHAPTER XXXII.

An Act to repeal an act passed in the year eighteen hundred and eleven, au-  
thorizing the public Treasurer of this State to deposit the public money  
in the State Bank of North Carolina.

*Be it enacted,* That an act passed in the year eighteen hun-  
dred and eleven, authorizing the public Treasurer to deposit the  
public money in the State Bank of North Carolina, be, and the  
same is hereby repealed.

## CHAPTER XXXIII.

An Act making the affirmation of Moravians and Menonists evidence in cri-  
minal cases.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the solemn affirma-  
tion of Moravians and Menonists made in the manner heretofore  
used and accustomed, shall be admitted as evidence in criminal  
cases as well as in civil controversies in this state, any law or  
usage to the contrary notwithstanding.

## CHAPTER XXXIV.

An Act relative to the Journals of the Legislature and the duty of the Se-  
cretary.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the clerks of the Senate and House of Commons of this State



1819.

Secretaries  
duty.

State, shall annually hereafter as soon as may be convenient deposit in the office of the Secretary of State the Journals of the Legislature; and the Secretary of State is authorized and directed to make and certify copies of any part or entry of the Journals of the Legislature of this State whether heretofore deposited in his office, or they may be deposited there hereafter; and the Secretary may take and receive for the copy of each entry so made and certified the same fee as for the copy of a grant.

## CHAPTER XXXV.

An Act concerning titles to lands held under Henry McCulloch and Henry Eustace McCulloch.

Not necessary  
to produce  
deed of release.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in all actions and suits at Law or in Equity wherein it may be necessary for either party to prove title by virtue of a Grant or Grants made by the King of Great Britain or Earl Granville to Henry McCulloch or Henry Eustace McCulloch, it shall be held sufficient for such party in the usual manner to give evidence of the Grant or conveyance from the King of Great Britain or Earl Granville to the said Henry McCulloch or Henry Eustace McCulloch and the mesne conveyances thereafter without giving any evidence of the deed or deeds of release, relinquishment or confirmation of Earl Granville to the said Henry McCulloch or Henry Eustace McCulloch or of the power or powers of Attorney by which the conveyances from the said Henry McCulloch and Henry Eustace McCulloch purport to have been made.

## CHAPTER XXXVI.

An Act to extend the provisions of an act passed in 1818, entitled "An act to amend an act passed in 1812, entitled an act relative to the power of Courts of Equity in cases of partition, and for other purposes."

Guardians  
of persons  
non comp.  
may make  
title.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That whenever the guardian of any person non compos mentis, shall state by bill or petition on oath or affirmation, to a Court of Equity, that the land or lands of his or her ward are required for public purposes, and that the interests of the person so being non compos mentis, and of all others who may be concerned therein will be promoted by a sale thereof, the same proceedings shall and may be had as are directed and prescribed by the before recited act, in the case of any joint tenant or tenants in common. *Provided nevertheless,* That the proceeds of the sale of said real estate shall have all the attributes of said real estate, and shall descend and be distributed as real estate would do.

## CHAPTER XXXVII.

An Act compensating witnesses attending the County Courts.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same* That every person who shall attend a Court of Pleas and Quar



ter Sessions as a witness in any cause therein depending, shall be allowed for each and every day's attendance, and for every thirty miles he or she shall travel, going to and returning from the said court, six shillings: *Provided*, The said witness resides within the county wherein the suit is tried, or the sum of ten shillings, if such witness lives out of said county, to be paid as heretofore directed by law: *Provided*, That in any county where witnesses are by law allowed a greater sum than six shillings per day for attending county Courts, they shall continue to be paid as heretofore.

1819.

Allowed  
60 cents if  
living with-  
in the coun-  
ty—100 cts.  
if without.

## CHAPTER XXXVIII.

An Act to lay out a road from Wayneville in Haywood County to the Southern boundary line of this State.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Thomas Lenoir, Joseph Chambers and Hodge Rayborne of the county of Haywood, be and they are hereby appointed commissioners to view and lay out a road from the North Eastern boundary line of Haywood at Jesse Bellow's old place to the Southern boundary line of this State, which road shall pass by Waynesville in the county of Haywood, and by such place as shall be designated and set apart for erecting the public buildings for the County to be formed out of the lands lately ceded by the Cherokee Indians.

Names of  
commissioners.

II. *Be it further enacted*, That the said commissioners or a majority of them shall have power to employ such surveyors, chain carriers and markers as may be required for laying out and marking said Road, and allow them such compensation for their services as they may deem adequate; to be paid in manner hereinafter directed.

Surveyors  
& chain  
carriers.

III. *Be it further enacted*, That the said commissioners shall cause two fair plats of the route for said road to be made out, one of which shall be returned to the board of Managers of the fund for Internal Improvements, and the other shall be filed in the office of the Clerk of the County Court of Haywood: which plats shall represent accurately the Mountains and water courses which the said road shall pass, and the distances from one remarkable place to another, and also the whole distance from the beginning to the termination of said road.

Platts to  
be made out

IV. *Be it further enacted*, That on receipt of one of the plats of the survey of the said road, the board of Managers of the fund for Internal Improvements shall have power by themselves, or their agents, to contract for cutting out, clearing and marking the said road, in such way, and on such terms and conditions as they may deem most advantageous to the public interest; and when the said road shall be opened and put in good order, it shall thereafter be and remain a public road and highway free for the use of the citizens of this State and all others; and shall be kept in repair as other roads and highways in this State.

Contract  
for opening

V. *Be it further enacted*, That the commissioners appointed to



1819: view and lay out the said road shall be allowed the sum of ten dollars each for every day they or either of them may be actually engaged in the duties prescribed by this act, in full of their services.

Fund for  
payment.

VI. *Be it further enacted*, That all the expenses incurred in laying out and marking said road in the manner directed by this act, not exceeding the sum of four thousand dollars, shall be paid out of the fund for Internal Improvements by the board of Managers thereof.

### CHAPTER XXXIX.

An Act supplemental to an act passed in the year eighteen hundred and eighteen, entitled "An Act to carry into effect an act passed in the year seventeen hundred and ninety three, entitled an act to add part of Burke and Wilkes Counties to the County of Iredell."

Another  
commission  
or appoint-  
ed.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Montfort Stokes, Esquire, of the County of Wilkes, be appointed commissioner in addition to the commissioners appointed by the act of eighteen hundred and eighteen, which said commissioners shall meet as soon as may be convenient and run the aforesaid line agreeably to the provisions of the before recited act.

II. *And be it further enacted*, That the expences which may be incurred by running and marking the aforesaid line, shall be defrayed mutually by the counties of Burke and Iredell as pointed out in the above recited act.

### CHAPTER XL.

An Act to amend an act passed in the year one thousand eight hundred and sixteen, entitled "An Act for opening a turnpike road at Mills Gap."

Commis-  
sioners.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the before recited act as relates to the appointment of commissioners, be and the same is hereby repealed.

*And be it further enacted*, That George Jones of Rutherford County, William Span and Thomas Case of Buncombe County, be and they are hereby appointed commissioners of the said Turnpike Road, and vested with all the powers and authorities, and subject to the same rules and restrictions of the commissioners under the before recited act; and shall be entitled to receive one dollar each, for every day they may be necessarily employed in viewing and making return of said road, to be paid by the owners of said Turnpike, any law to the contrary notwithstanding.

### CHAPTER XLI.

An Act to amend an act passed at the last session of the General Assembly, entitled an act to empower the County Court of Montgomery to contract for free Ferries on public days.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Court of Pleas and Quarter Sessions of Montgomery,



County, he, and they are hereby authorized to contract with the 1819.  
 keepers or owners of as many Ferries as they may think proper,  
 to keep free Ferries on the same days, for the same purposes  
 and under the same rules, regulations and restrictions as pre-  
 scribed in the before recited act, any law to the contrary not-  
 withstanding.

## CHAPTER XLII.

An Act to appoint a board of Branch Pilots to examine all persons who now  
 have, or may hereafter wish to obtain a Branch to Pilot over Ocacock  
 Bar and the Swashes.

*Be it enacted by the General Assembly of the State of North-  
 Carolina, and it is hereby enacted by the authority of the same,*  
 That William Howard, Jacob Gaskill and William Scarbro of <sup>Names of</sup>  
 Ocacock, and William Wallace, James Howard and Littleton <sup>the Board.</sup>  
 Styron, of Portsmouth, be and they are hereby appointed a Board  
 of Branch Pilots, and they or a majority of them are hereby au-  
 thorized and empowered to meet as soon as convenient, and no-  
 tice all persons, who are or wish to be Branch Pilots for Ocacock  
 Bar and the Swashes, to appear before them for the purposes  
 mentioned in this act; and the Board aforesaid shall examine  
 all and every of such persons, and to such as are found qualified  
 for Branch Pilots; the aforesaid board shall give certificates of  
 their qualifications, to act as a Bar and Swash Pilots, and the  
 said certificates shall be signed by a majority of said Board.

II. *And be it further enacted,* That when any person or per-  
 sons are desirous of becoming Pilots at Ocacock Bar and the  
 Swashes, before they shall obtain a Branch from the commission-  
 ers of Navigation at the Towns of Newbern, Washington, Eden- <sup>Examina-</sup>  
 ton, or any other place, they shall first be examined by the said <sup>tion of ap-</sup>  
 Board of Branch Pilots, and such person or persons so examin- <sup>plicants.</sup>  
 ed and found competent to take charge of any ship or vessel as  
 a Pilot, the Board aforesaid shall recommend to the commission-  
 ers of Navigation in this State to give to him or them Branches  
 accordingly, under the same rules and regulations as heretofore  
 prescribed by law, and no person shall be authorized to act as  
 Bar & Swash Pilots unless recommended by the aforesaid Board,  
 and licensed by the commissioners of Navigation as heretofore:  
*Provided, nevertheless,* That if any person shall apply to the  
 within named commissioners for a certificate as before named  
 and shall be refused by said commissioners, that such refusal shall  
 not take away the right of the commissioners of Navigation to  
 grant such person or persons so refused a licence.

III. *And be it further enacted,* That the Board aforesaid shall  
 receive one dollar for each certificate by them given, to be paid  
 by the person applying for such certificate.

IV. *And be it further enacted,* That every Pilot who stands an  
 examination under the aforesaid Board, and receives a Branch,  
 and is afterwards found incompetent by intoxication, or other-  
 wise to perform the duties of a Pilot; The commissioners afore-  
 said shall have power upon the request of the Board aforesaid to



1819. *revoke* said Branch and from that time such Pilot or Pilots shall be disqualified from any further exercising the business of a Pilot, any law to the contrary notwithstanding.

V. *And be it further enacted.* That the Board of Branch Pilots by this act appointed; before they enter upon the duties of their Office, shall take and subscribe before some Justice of the Peace for the County of Carteret the following oath, to wit. I do solemnly swear that I will truly, faithfully and impartially examine all persons by this act directed, according to the best of my skill and ability so help me God.

#### CHAPTER XLIII.

An Act in addition to the acts relative to the power of Courts of Equity in cases of partition.

*Be it enacted and declared by the General Assembly of the State of North Carolina, and it is hereby enacted and declared by the authority of the same,* That when an application shall be made to a Court of Equity by joint tenants, tenants in common or tenants in coparcenary, for a sale of real Estate which is incumbered with dower, it shall and may be lawful, if the person holding or entitled to dower therein shall join in said application, for the court to decree an immediate sale of the said real estate, and to cause a third part of the proceeds thereof to be secured to the use of the person so holding or entitled to dower therein for life.

Sale may  
be ordered  
in certain  
cases.

#### CHAPTER XLIV.

An Act concerning the public arms.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the Governor to procure some suitable place of deposit in the Towns of Edenton, Newbern and Fayetteville, by renting or otherwise, for such arms as now belong to, or may hereafter become the property of this State, and to cause such arms to be collected and removed to one of the places of deposit aforesaid: *Provided however,* That the Governor may from time to time direct such portion of said arms as may be necessary for arming any Volunteer Companies equipped according to law, to be delivered to the commanding officer of such Companies, taking his receipt for the same.

Places of  
deposit.

Arms to  
be cleaned.

II. *Be it further enacted by the authority aforesaid,* That it shall be the duty of the Governor to cause all such arms to be repaired and cleaned before they are boxed up and placed in deposit: it shall moreover be his duty to employ some suitable person to take charge of each of said places of deposit with the arms which may be deposited therein; and he shall have power from time to time to draw on the Treasury for money to defray all the expenses incurred in carrying this act into effect.



## CHAPTER XLV.

An Act to amend the laws now in force respecting the town of Edenton.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the commissioners of the town of Edenton, shall have full power and authority to enforce a compliance and observance of such regulations, rules and ordinances as they are authorized by law to prescribe and enact, by laying fines and penalties on those who shall refuse or neglect to conform to such rules, regulations and ordinance-, not exceeding twenty five dollars, and in case of slaves, the punishment of thirty nine lashes; the said penalties to be recovered for the use of the town, and the punishment to be inflicted in manner hereinafter mentioned.

II. *Be it further enacted,* That the said commissioners shall also have power to appoint a Town Constable, whose Jurisdiction shall not extend beyond the limits of said town, who shall give bond and security as other Constables, and shall receive such fees for their services as other Constables receive for the same or similar services: they shall also have power to appoint a town watch, and allow them such compensation for their services as the said commissioners may deem reasonable.

III. *And be it further enacted,* That a proper person shall be elected, at the time and in the manner directed by law for the election of commissioners, who shall be called the magistrate of Police for said Town, whose duty it shall be to enforce obedience to the laws and punish offenders, and shall be and is hereby authorized to issue his warrant directed to the Sheriff or deputy Sheriff or to the Town Constable, to summon all offenders against the laws, rules and ordinances made and provided for the regulation of said town, to appear before him, which shall be in the manner of warrants issued by a Justice of the Peace; and the said Magistrate is hereby required and authorized to give judgment and award execution agreeably to the laws, rules and ordinances for the government of the said town, which warrant the said Sheriff, deputy Sheriff or Constable is hereby required to execute and return: and on such trials or enquiries the said Magistrate is hereby authorized and declared to possess all the necessary powers to administer oaths and Subpoena and examine witnesses: and the said Magistrate before he enters on the duties of his Office shall take before some Justice of the Peace of Chowan County, the following Oath: "I. A. B. do solemnly swear, that as Magistrate of Police for the town of Edenton, I will do equal right in all cases whatever to the best of my judgment, and according to the laws, rules and ordinances made for the good government of the said Town: all fines and amercements that may be made, I will cause to be duly returned to the proper office: and in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly demean myself, according to the best of my skill and judgment."

IV. *And be it further enacted,* That in all cases where any person is dissatisfied with the judgment of said Magistrate, he



1849. shall have the privilege of appealing to the County Court of Chowan in the same manner, and under the same rules and restrictions as in the case of appeals from a Justice of the Peace.

V. *And be it further enacted,* That the commissioners may allow the said Magistrate such compensation for his services as they may deem reasonable.

Read three times and Ratified in General Assembly, }  
The 24th day of December, A. D. 1819.

B. YANCY, S. S.

R. M. SANDERS, S. H. C.

A true Copy,

WM. HILL, Secretary,







## CHAPTER XLVI.

An Act concerning the county of Rutherford.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same* That George Jones, Hugh Watson, senior, and Theoderick F. Burchett, of Rutherford county be, and they are hereby appointed commissioners in behalf of said county, with full power and authority to demand from all persons who are, or who have been officers of, or within the said county, and from the representatives of such as may be deceased on account and settlement for, and in respect of the monies of said county which have been or ought to have been received by such officers.

II. *And be it further enacted*, That the said commissioners be, and they are hereby authorised to issue a summons signed by them or a majority of them, directed to every such person as aforesaid who has been, or ought to have been a receiver of the monies of said county, or to his representatives, therein naming a time and place, when and where the said commissioners will proceed to take an account and make a settlement as aforesaid, and each summons shall be executed at least ten days before the day therein named, for taking such account; and it shall be the duty of any sheriff, coroner or constable to whom such summons shall be directed, to execute the same, and for the execution thereof he shall be entitled to the same fee (payable out of the funds of said county,) as for executing a warrant from a justice of the peace.

III. *And be it further enacted*, That the said commissioners, a majority being present, shall have full power and authority on the return of such summons, to proceed to an adjustment and liquidation of all claims of the said county against the person so summoned, and for that purpose may require from the clerks and other public officers of the county, the production of such records as may be needed, and may examine on oath all witnesses produced before them; and the witnesses may be required to attend as well on behalf of the persons cited as of the county, under a subpoena from the clerk of the county court as they are required to attend commissioner's referees, and orders of survey, by the laws now in force.

IV. *And be it further enacted*, That it shall be the duty of the said commissioners, whenever they shall have completed their statement of the account of any such officer as aforesaid with the county of Rutherford, to return the said statement unto the next Court of Pleas and Quarter Sessions for said county, and thereupon it shall be competent for the solicitor of the county in behalf thereof; or of the person against whom the same has been stated, to object and except thereunto, stating the items whereunto such objections and exceptions apply, and thereupon the said court shall order an issue or issues, or pass such judgment as shall to them appear proper and just. And if no exceptions or objections be made thereunto, the said statement shall be deemed conclusive between the said county and the party thereunto, and the court may enter up final judgment, and issue execution thereon, in the name of the county for the balance so found to be due: And if objections, or exceptions be made to the account as stated by the said commissioners, the burthen of supporting such objections or exceptions, shall be thrown on the party by whom they are made, and the account so stated shall be taken as *prima facie* just.



V. *And be it further enacted*, That if any suit shall be hereafter brought against the security or securities of any public officer of said county, whose account shall have been thus settled, and a judgment thereon obtained as aforesaid, such account so settled and the judgment thereon rendered shall be received as evidence against the security or securities, liable to be rebutted by proof that the same is erroneous or unjust.

VI. *And be it further enacted*, That the said commissioners shall convene at Rutherfordton, in said county, on the first Monday of February next; that a majority of them shall be always competent to the transaction of any business; that they may adjourn their session and any business before them from day to day as shall be convenient; that they shall receive such compensation for their services as the Court of Pleas and Quarter Sessions of their county shall deem reasonable: And that all their powers under this act shall cease and determine on the first day of January one thousand eight hundred and twenty-one.

VII. *And be it further enacted*, That it shall be the duty of the commissioners aforesaid, and they are hereby authorized to examine all claims of whatever nature or kind which may exist against the county of Rutherford, and that for that purpose they may demand the aid and assistance of the officer from whose office the same originated; and that it shall be the duty of the treasurer of the county to enroll all such claims as shall be sanctioned by the said commissioners, at full length and in numerical order, in a book to be purchased by the county for that purpose; and that he shall endorse on such claim his own name and the number which it bears in the margin of the said book. And no claim now existing against the said county, shall be paid until the same shall have been sanctioned by the said commissioners and enrolled as aforesaid.

VIII. *And be it further enacted*, That all claims which may hereafter arise against the said county, shall in like manner be enrolled, numbered and endorsed as in the preceding section is directed before the same shall be paid, but the same shall not require the previous sanction of the said commissioners; and it shall be the duty of the treasurer of said county at every Court of Pleas and Quarter Sessions of said county to set up in the Court House, a fair list of all claims enrolled and a statement of the funds in hand to pay the same, and in the payment of claims—it shall be his duty to give a preference in the order wherein the same are numbered.

IX. *And be it further enacted*, That henceforth it shall not be lawful for the sheriff of said county to receive any claims against the said county in payment of taxes, nor shall the treasurer of the county receive any such claims from the sheriff in discharge of his collections; but that the sheriff shall settle with and pay in cash to the county treasurer on the first Monday in January in each and every year, all the taxes laid and collected for county uses.

X. *And be it further enacted*, That if any of the officers to whom duties are prescribed by this act, shall violate or neglect to perform the same, he shall be deemed guilty of a misdemeanor in office, and on conviction thereof, shall be liable to fine and imprisonment at the discretion of the Court.

XI. *And be it further enacted*, That it shall be the duty of the clerk of the Superior and of the clerk of the county Court of Rutherford, to keep



their respective offices at the Court-House in Rutherfordton, or within the limits of the said village, under the penalty of two hundred dollars, to be recovered by an action of debt by any person suing for the same, one half to the use of the informer, and the other half to the use of the county.

XII. *And be it further enacted*, That it shall be the duty of the Court of Pleas and Quarter Sessions of the county of Rutherford, at the first term of said Court which shall be holden after the first day of January next, to appoint six wardens of the poor for said county, who shall remain in office for the term of three years; one of said wardens to be taken from each battalion in the said county. That the said Court every three years thereafter, shall make a like appointment; and that the persons thus appointed shall be liable to the same penalties for refusing to serve, shall have the same powers and privileges, and shall in all respects be under the same obligations as those appointed under the existing laws.

XIII. *And be it further enacted*, That this act shall be in force from and after the first day of January, one thousand eight hundred and twenty; and that all laws and clauses of laws that comes within the meaning or purview of this act, shall be and they are hereby repealed.

#### CHAPTER XLVII.

An Act providing for settlements of County Officers in the county of Onslow.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Edward Ward, Daniel M. Delany, Jacob Gulden, William Mumford, and Hezekiah Wilder, Esquires, be, and they are hereby appointed, a committee of finance for the county of Onslow, and vested with full power and authority to demand a settlement with all delinquent sheriffs, county treasure, wardens of the poor, clerks of courts, treasurers of public buildings, and all other persons who have been entrusted with public money, for the county of Onslow from the first day of January one thousand eight hundred, or shall hereafter be entrusted therewith.

II. *And be it further enacted*, That the said committee may hold their meetings at such times and places as they may think proper, and may from time to time, summon any delinquent receiver of money as aforesaid, or the legal representatives of such as may have died, to appear before said committee, at a time therein specified, and then to render a true account of all monies by them received, and of the payment and appropriation thereof during the period for which such account shall be required: And if any of said delinquents shall have removed to any other county, of this state, the summons may be directed to the sheriff or other lawful officer of said county; but if the person summoned reside in the county of Onslow, the summons shall be directed to, and shall be executed by the sheriff when he is not the delinquent, and by the coroner of the said county where the sheriff is the delinquent: And said notice shall be executed at least fifteen days before the day appointed for the exhibition of the account demanded, and shall be returned to the said committee or to either of them, by the officer to whom the same was directed.

III. *And be it further enacted*, That the said committee may require the attendance of any witness, and the production of any paper necessary for taking their account, as the Courts of law of this state are authori-



zed to summon witnesses and to require the production of papers, and shall have all the power of a Court of Law in such cases.

IV. *Be it further enacted*, That all process issued by said committee, shall be directed to the sheriff where he is not the delinquent, and to the coroner in all cases where the sheriff is the delinquent, and said officer shall execute and return all such process as they are required to execute process returnable to the Court of Pleas and Quarter Sessions of their county, shall be entitled to receive the same fees and subject to the same penalties as are by law prescribed in regard to process issued from the Court of Pleas and Quarter Sessions.

V. *Be it further enacted*, That at the first Court to be holden after the first day of January annually, said committee shall exhibit to the Court of Pleas and Quarter Sessions of their county, a list of all balances due from any officer\* is ascertained by the said committee, and the said Court shall at the term in which the same is received, order their clerks to issue a *scire facias* to each delinquent and their respective securities, directed to the sheriff where he is not the delinquent, and to the coroner where the sheriff is the delinquent, requiring such delinquent to appear at the next ensuing term to shew cause if any he has, why judgment shall not be rendered against him or them, for the amount reported by the said committee; and if on return of such process the defendant shall fail to appear and make defence, final judgment by default shall be entered against him or them, but if said defendant shall appear, and shall deny the correctness of the report of the committee, he shall be at liberty to take exceptions thereto, which shall be heard and decided on, as in cases of exceptions to reports of Clerks and Masters in Equity, and Clerks of Courts of Law, under the laws of this state, and judgment shall be rendered accordingly; or a jury shall be empannelled to try the facts in dispute if either party require it.

VI. *Be it further enacted*, That as either of said committee shall die, resign, remove or refuse to act, the Court of Pleas and Quarter Sessions of Onslow county shall fill the vacancy in the committee, by appointing a suitable person thereto; and said committee so continued shall have all the powers of the committee named in this act.

VII. *Be it further enacted*, That each member of said committee, shall be allowed a compensation for his services, not less than three dollars per day, to be allowed by the Court, and paid out of county monies, and shall be subject to indictment for a misdemeanor for neglect of duty, and to be removed from office, upon conviction on such indictment.

#### CHAPTER XLVIII.

An Act to establish a Seminary of Learning in the town of Hertford, in Perquimons County, by the name of Hertford Academy.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John Wood, Edward Wood, Isaiah Sanborn, Josiah Townsend, William Jones, Gabriel White, John Gatling and Theophilus Barrow, he and they are hereby declared to be a body corporate and politic, to be known and distinguished by the name of the Trustees of the Hertford Academy, and by that name shall have perpetual succession; and they or their successors by the name aforesaid, or a majority of them shall be able and capable in law to receive subscriptions and donations and possess all monies, goods

\* A true copy from the original.—Printer.



and chattles that shall be given for the use of said Academy, and the same to apply according to the directions of the donor : and by gift, purchase or devise, to take, possess and enjoy to them and their successors forever, any lands, tenements and hereditaments in trust, that the same, or the profits thereof, be applied to and for the purpose of establishing and endowing the said Academy.

II. *And be it further enacted*, That the said Trustees or a majority of them, by the name aforesaid, shall be fully authorized and capable in law to grant, bargain, sell and convey any such land and tenements or hereditaments as aforesaid, when such conveyance is not inconsistent with the terms of the donation. And further, the said Trustees, their successors or a majority of them, shall be able and capable in law by the name aforesaid, to sue and be sued, plead and be impleaded, answer and be answered in any Court of Law and Equity in this state.

III. *And be it further enacted*, That the said Trustees and their successors, or a majority of them, shall have and are hereby declared to have full power to make or ordain such laws and regulations, for their own government and for the regulations and government of said Academy, as to them may appear necessary.

IV. *And be it further enacted*. That the said Trustees of Hertford Academy, or their successors in office, shall have full power and authority to raise the sum of one thousand dollars by way of lottery or lotteries, donations or subscriptions, for the purpose of completing the necessary buildings, and purchasing lands, apparatus and other things necessary for the use of said Academy.

V. *And be it further enacted*, That the said Trustees or a majority of them at their first meeting after the passing of this act, shall have full power and authority to select five members of their body to draft a scheme of said lottery or lotteries, who shall be considered entire managers of the same. And previous to their entering on the duties of their appointment, shall in open Court take an oath for the honest and faithful performance of the same, and shall also enter into bond jointly, to the chairman of the County Court of Perquimons, and his successors in office, in the sum of two thousand dollars, for their punctually paying out the monies received for the sale of tickets, to fortunate adventurers in said lottery or lotteries, such sum or sums as may be agreed on by such managers in favour of said Academy. And said managers shall have full power and authority to establish and carry on said lottery or lotteries in such manner as they may think most conducive to the interest of said institution, and may sue and be sued as managers of the same, in any Court of record in this state, any law to the contrary notwithstanding.

VI. *And be it further enacted*, That upon the death or resignation, inability or refusing to act of any of the Trustees aforesaid, it shall be lawful for the remaining Trustees, or a majority of them to elect others to supply their vacancies, who, when so appointed, shall have equal powers with the Trustees appointed by this act.

#### CHAPTER XLIV.

An Act to incorporate the Smithfield Academy, in Johnston County.

*Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William*



Washington Bryan, Samuel Mitchner, David Turner, John Sanders, Jr., R. H. Helme, Bryan Smith, Thomas Lockhart, jun'r. A. S. Ballinger, Harry Guy, W. H. Guy, David H. Bryan, Henry Bryan, John C. Gay, John Farmer, Jacob Stephens, Green H. Scott, David Thompson, Thomas Rice and Moses L. Hill, be and they are hereby declared a body politic and corporate, to be known and distinguished by the name of the Trustees of the Smithfield Academy: And by that name shall have perpetual succession and a common seal; and shall be able and capable in law to hold all monies, lands or tenements to which they now have right or title, and to take, demand, receive and possess all monies, lands, or other donations which they or their successors may acquire, for the use of said Academy, and the same to apply according to the will of the donor or donors or as a majority of the Trustees may direct, for the prosperity of said Academy.

II. *And be it further enacted*, That the said Trustees or a majority of them, shall have full power and authority to make such rules, regulations and bye laws (not inconsistent with the constitution and laws of the state) as may to them seem necessary for the good government of said Academy, and the preservation of order and good morals among the students thereof, and for the due preservation and repairs of all buildings belonging to said seminary; and also to fill all vacancies which may happen among the Trustees by death, resignation or removal; which persons when appointed, shall be possessed of the same powers and capacities as the present Trustees.

III. *And be it further enacted*, That the Trustees or a majority of them (seven of whom shall in all cases constitute a legal majority for the transaction of any business whatever) shall annually elect from among themselves a President, Treasurer and Secretary.

IV. *And be it further enacted*, That all teachers and all students of the said Academy, during the term they shall attend the same, shall be exempt from military duty of all kinds whatever, except in cases of rebellion or insurrection.

V. *And be it further enacted*, That the Trustees of said Academy shall be and are hereby empowered to raise by Lottery in such manner and under such restrictions as they may deem most expedient, a sum not exceeding two thousand dollars, for the use and behoof of said Academy. The Treasurer, President and Secretary to be *ex officio* managers of said lottery, upon giving bond with sufficient security to the clerk of the Superior Court of Johnston County, to be approved by said Clerk, in the sum of five thousand dollars each, for the faithful performance of their duties, and the payment of all prizes due upon the drawing said lottery; which said bond may be sued for and recovered by any person aggrieved.

#### CHAPTER XLV.

An Act to establish a Seminary of Learning in or near the town of Wilkesborough, in the county of Wilkes, by the name of the Wilkesborough Academy.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Doctor William Martin, Nathaniel Gordon, John Fendley, Wesley Reynolds, William G. Shackelford, Hamilton Brown, Montfort Stokes, James Welborn, James Hackett, Thomas Fletcher, Meredith Thurmond, John Martin, and Edmund Jones, be, and they are hereby declared to be a body



politic and corporate, to be known and distinguished by the name of the Trustees of the Wilkesborough Academy, and by that name shall have perpetual succession: and they or a majority of them, by the name aforesaid shall be able and capable in law to receive subscriptions and donations, possess all monies, goods and chattles that shall be given for the use of said Academy, and the same to apply according to the directions of the donor; and by gift, purchase or devise to take, possess and enjoy to them and their successors, any lands, tenements, and hereditaments in trust, and for the purposes of establishing and endowing said Academy.

II. *And be it further enacted*, That the said Trustees or a majority of them, by the name aforesaid, shall be fully authorized, and made capable in law, to grant, bargain, sell, and convey any such lands and tenements or hereditaments as aforesaid, when such conveyance is not inconsistent with the terms of the donation: And further, the said Trustees or their successors, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and be sued, plead and be impleaded, answer and be answered, in any Court of Law or Equity in this State.

III. *And be it further enacted*, That the said trustees and their successors, or a majority of them shall have, and are hereby declared to have full power to make and ordain such laws and regulations for their own government, and for the regulation and government of said Academy as to them may appear necessary.

IV. *And be it further enacted*, That upon the death or resignation, inability or refusal to act of any of the Trustees aforesaid, it shall be lawful for the remaining Trustees or a majority of them to elect others to supply their places; and when so appointed, shall have equal power with the Trustees appointed by this act.

#### CHAPTER XLVI.

An Act to organize a corps of artillery in the town of Fayetteville, North-Carolina.

*Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the company of artillery commanded by captain George T. Hearsey, and the company of light artillery, commanded by Captain Abram Stevens, in the town of Fayetteville, shall be formed into a corps to be denominated the Fayetteville corps of artillery, and that the same shall be commanded by a major.

II. *Be it further enacted*, That the commandant of the corps shall at least, four times in every year, order the same to muster at such time and place in the town of Fayetteville as he may think proper; and any officer, non commissioned officer, or private, who having been duly warned, shall neglect to appear at such muster, armed and equipped according to law, shall forfeit and pay a sum, if an officer, not exceeding eight dollars, nor less than four dollars; and if a non commissioned officer or private, not exceeding four dollars nor less than two dollars.

III. *Be it further enacted*, That each commandant of a company, shall at least six times in each year, order a company muster (with or without uniform) at such time and place in the town of Fayetteville, as he may think proper: and any officer, non commissioned, or private having been regularly enrolled in the company, and duly warned, who shall neglect



to appear according to orders at such company muster, shall forfeit and pay a sum, if an officer, not exceeding four dollars, nor less than two dollars, and if a non commissioned officer or private, not exceeding two dollars nor less than one dollar.

IV. *Be it further enacted.* That the commandant of the corps, shall at least twice in every year, at such time and place in the town of Fayetteville as he may think proper, order a muster of the officers and non commissioned officers; and any officer or non commissioned officer, who having been duly warned, shall neglect to appear at such muster, armed and equipped according to orders shall forfeit and pay a sum, if an officer, not exceeding five dollars nor less than three dollars, and if a non commissioned officer, not exceeding two dollars nor less than one dollar.

V. *Be it further enacted,* That the commandant of the corps shall at least once in every year, order a Court Martial to convene in the town of Fayetteville, at such time and place as he may think proper, and at least ten days notice shall be given to the officers of the corps; and it shall be the duty of the commandant of the company, to cause at least three days notice to be given to the non commissioned officers and privates of their companies of the meeting of such Court Martial; the court shall consist of not less than two thirds of the commissioned officers of the corps, one of whom shall be a captain, and the highest in command present, shall preside; which court shall be competent to transact all business relative to the corps, in the same manner as is prescribed by law for the government of regimental court martials; and any officer who having been duly warned, shall neglect to appear at such court martial armed and equipped according to law, shall forfeit and pay four dollars.

VI. *Be it further enacted,* That any non commissioned officer or private who shall after the passing of this act, faithfully serve the Fayetteville corps of artillery eight years in succession, and shall have obtained from the commandant of the company to which he belongs, a certificate, countersigned by the commandant of the corps, of such faithful service, such non commissioned officer or private shall thereafter be exempt from military forfeitures and penalties, so long as he continues to reside within the bounds of the town of Fayetteville: *Provided,* That such non commissioned officer or private shall still be held as belonging to the company in which he was enrolled, and shall hold himself completely armed and equipped in the uniform of the corps subject to the inspection of any officer of the same, and in case of war, insurrection or invasion, such non commissioned officer or private, shall be subject to all the duties, forfeitures, and penalties, to which other non commissioned officers or privates are subject.

VII. *Be it further enacted,* That the commandant of the corps shall at least once in every year, order a commissioned officer to inspect the arms, equipments and uniform of such non-commissioned officers and privates as may be exempt by the sixth section of this act, from military forfeitures and penalties, which officer shall report in writing to the commandant the condition in which such arms, equipments and uniform are, and such non commissioned officers or privates, whose arms, equipments or uniform, or any part of the same shall be found unfit for service, shall forfeit and pay a sum not exceeding ten dollars nor less than five dollars, to be



assessed by the court martial, and collected as directed by law, for the collection of muster fines and forfeitures.

VIII. *Be it further enacted*, That all artillery companies that may be hereafter formed in the town of Fayetteville, shall be attached to the Fayetteville corps of artillery; and when the corps shall consist of four companies, or when there shall be a sufficient number of men enrolled and equiped to compose four companies, the same shall be formed into a battalion and be commanded by a lieutenant colonel, and when the battalion shall consist of eight companies, the same shall be formed into a regiment and officered accordingly.

IX. *Be it further enacted*, That it shall not be lawful for the officers of the said corps or any of them to enrol in any company belonging to said corps, any private belonging to the light infantry, or cavalry companies of said town, nor any person residing more than two miles from the town of Fayetteville.

#### CHAPTER XLVII.

An Act providing compensation for the Jurors attending the Courts in the counties of Robeson, Onslow, Currituck, Sampson and Bladen.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all persons duly summoned as Jurors to attend the Superior and County Courts in the counties of Robeson, Onslow, Currituck, Sampson, and Bladen, shall receive the sum of one dollar for every day's attendance at the said courts; and at the rate of one dollar for every thirty miles travelling to and from Court, to be paid by the county Trustee as all other claims against the said counties, on such Juror presenting to the said Trustee a certificate from the Clerk of the Court in which he served, stating the number of days he has served and the distance he has travelled, any law to the contrary notwithstanding.

II. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the justices of said counties from time to time, to lay a tax on the taxable property in the said counties sufficient to provide a fund to pay the jurors aforesaid, which tax when laid shall be collected and accounted for by the sheriff to the county trustee for the purpose aforesaid.

#### CHAPTER XLVIII.

An Act to establish Pike Academy in the county of Tyrrell, and to appoint and incorporate the Trustees thereof.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the School House in Tyrrell county, near the Fort Landing in Little Alligator, be, and the same is hereby established and shall henceforth be known by the name of Pike Academy.

II. *Be it further enacted*, That Samuel Spruill, Thomas Leigh, and Lemuel Basnight, be, and they are hereby constituted a body corporate to be known and distinguished by the name of the Trustees of the Pike Academy, in Little Alligator, Tyrrell County; and by that name shall have perpetual succession, and they or their successors by the name aforesaid, shall be able and capable in law, to demand, receive, and possess all monies, lands or other donations which may be given for the use



of said Academy, and apply the same according to the will of the donor, or as a majority of the Trustees may deem most advantageous to the prosperity of the said Academy.

III. *Be it further enacted*, That the said Samuel Spruill, Thomas Leigh, and Lemuel Bagnight shall have full power and authority to appoint as many additional Trustees, not exceeding five, to act with them as they or a majority of them shall deem necessary for the good management of said Academy: And when any Trustee or Trustees shall be appointed in this manner, their powers shall be, and are hereby declared equal in all respects to those appointed by this act.

IV. *Be it further enacted*, That the said Trustees or a majority of them, be, and they are hereby authorized whenever they shall deem it necessary, to raise by way of lottery, any sum of money not exceeding five hundred dollars, to be applied to repairing and enlarging said Academy.

V. *And be it further enacted*, That the said Trustees or a majority of them, shall have full power and authority to make such rules and regulations for the government of said Academy, and the preservation of order and good morals, as they may deem expedient, and also to fill all vacancies which may happen by the death, resignation, or removal out of the county of any of the Trustees of said Academy, whose powers, when appointed, shall in all respects be equal to those appointed by this act.

#### CHAPTER XLIX.

An Act to incorporate the Leaksville Male and Female Academies, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Patrick N. Fontaine, Sterling Ruffin, James Barnett, Edward T. Brodnax, George D. Winston, Thomas Searcy, David H. Clark, William Bethel, Robert Broadnax, George Hairston, jr. John M. Morehead, Thomas Settle, John Read, Joseph Martin, Micajah C. Moorman, John Hughes, James Campbell, Greenwell Penn, Robert Galloway, Solomon Matthews, John C. Taylor, John Lenox, Richard W. Michaux, Nathaniel Scales, Nicholas P. Hairston, Rice Garland and James Dillard and their successors, be, and they are hereby declared to be a body politic and corporate, to be known by the name and stile of the Trustees of the Leaksville Male Academy, and by that name may have perpetual succession, and shall be able and capable in law, to have, hold, and possess any lands and tenements, goods, chattels and money, that may be given them, and apply the same according to the will of the donor, and dispose of the same when not forbidden by the terms of the gift; may sue and be sued, plead and be impleaded, in any Court of Law in this state: shall have power to appoint other and more Trustees to fill the place of those that may die, remove, resign, or become incapable of acting, and establish such laws and regulations for the government of said institution as may be necessary for the preservation of order and good morals; elect a professor or professors, tutors and other officers, and do and perform all other acts and things as are incident to, and usually exercised by bodies politic and corporate.



II. *And be it further enacted*, That seven of the said Trustees shall be a number sufficient to form a quorum and transact business.

III. *And be it further enacted*. That George D. Winston, George W. Jones, Anderson M. Wadfell, Robert Minzies, James Barnett, jr. David H. Clark, Nathaniel W. Dandridge, Nathaniel W. Henry, Benjamin Watkins, Robert Brodnax and Peter Dillard, be, and they are hereby declared to be a body corporate and politic, by the name of the Trustees of the Leaksville Female Academy; and the said Trustees and their successors shall and may have and exercise all, and singular the rights, powers and authorities given to the Trustees of the Leaksville Male Academy, by the first section of this act, in as full and ample manner as if the same were here again particularly set forth and recited.

IV. *And be it further enacted*, That the citizens of Leaksville, be, and they are hereby authorized to raise by way of lottery or lotteries the sum of six thousand dollars, for the purpose of enabling the Trustees of the two Academies herein established to purchase a library and necessary apparatus, and for completing the Female Academy in said town: And that John Hughes, Patrick H. Fontaine, James Barnett, James Campbell, Edward T. Broadnax, Rice Garland, William J. Waller, David H. Clark and Thomas Searcy, be, and they are hereby appointed managers of said lottery, and they are hereby empowered to raise the said sum, by one or more lottery or lotteries, according to such plan as they may think proper to adopt.

#### CHAPTER L.

An Act to establish an Academy in the town of Madison, in Rockingham County.

*Be enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*. That a seminary of learning shall be, and is hereby established in the town of Madison, in Rockingham county, to be called the Madison Academy; and that Mark Harden, Thomas Searcy, Benjamin Fewel, James E. Galloway, Robt. Wall, James H. Scales, Henry Baughan, and Richard Wall, be appointed Trustees of the said Academy.

II. *And be it further enacted*, That the said Trustees be, and they are hereby incorporated into a body corporate and politic, by the name and stile of the Trustees of the Madison Academy; and by that name shall have succession, and be vested with all the powers and authorities which are usually given to Trustees of other Academies established by the laws of this state.

#### CHAPTER LI.

An Act to establish an Academy at Enfield in the county of Halifax.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*. That John Branch, Joseph Branch, Richard H. Crowell, Robert Williams, William Bradford, Samuel Crowell, Cary Whitaker and Joseph Lane, shall be, and are hereby declared a body politic and corporate, to be known and distinguished by the name of the President and Trustees of the Enfield Academy, and by that name shall have perpetual succession; and they and their successors, or a majority of them by the name aforesaid, shall be capable in law to receive and possess any quantity of lands or tenements,



goods or monies, that may be given to the use of the Academy, and apply the same according to the will of the donor.

II. *And be it further enacted,* That the said trustees may sell and dispose of any lands or tenements, goods or chattels that may be given to the use of the said Academy, when the will of the donor does not forbid it: And further, that the said Trustees by the name aforesaid, to wit, the President and Trustees of the Enfield Academy, shall be able and capable to sue and be sued, plead and be impleaded in any Court within this state; and shall have power to do all such things as are incident to, and usually exercised by bodies politic for the promotion of the objects contemplated, not incompatible with the constitution of this state.

III. *And be it further enacted.* That the said Trustees or a majority of them shall have power to elect a President, Secretary and Treasurer: Also to appoint such professor and tutors as they may deem proper; and that they shall make such laws and regulations for the government of said Academy as may be necessary for the preservation of order and good morals. That the said Trustees or a majority of them are hereby authorized and empowered to purchase such quantity of land as they may deem expedient for building the Academy thereon, and in case of death, refusal, or inability to act of any of the Trustees now appointed, the remaining Trustees or a majority of them may elect others to supply their places, and shall also have power to elect additional Trustees, so that the whole number may not exceed thirty six.

#### CHAPTER LII.

An Act to appoint Trustees for the Lumberton Academy.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Charles Moore, Jacob Blount and Neil Brice, Esquires, be, and they are hereby appointed a body corporate to be known by the name of the Trustees of the Lumberton Academy; and are hereby vested with all the powers and authorities that Trustees of other seminaries of learning within this state possess.

II. *And be it further enacted,* That in case from removal or other cause, a vacancy shall occur, it shall be the duty of the remaining two to appoint some other person to fill said vacancy, who shall have as full power and authority as those appointed by this act.

III. *Be it further enacted,* That the said Trustees are hereby authorized to raise by way of lottery at any time within two years, a sum not exceeding five hundred dollars for the completing and finishing of said Academy.

IV. *And be it further enacted,* That all former acts relative to said Academy are hereby repealed.

#### CHAPTER LIII.

An Act to establish an Academy in the county of Orange.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Academy now under the superintendence and management of the Reverend William Bingham in the county of Orange, shall be and the same is hereby declared to be a public seminary of learning, and the trustees and stu-



dents therein shall have, exercise and enjoy all the privileges belonging to incorporated Academies within this state.

II. *Be it further enacted*, That the said Reverend William Bingham, James Mebane, William Mebane, Jethro Byrd, John Campbell and William Murray, be and they are hereby appointed managers of the said Academy, with full power and authority to make such rules and regulations for the government of said Academy as may tend to promote literature and preserve order and morality therein. And a majority of said managers may from time to time appoint other managers to fill any vacancy or vacancies, which may take place in their board, by death, resignation or removal of either or any of the said managers.

#### CHAPTER LIV.

An Act to authorize the Trustees of Hookerton Academy, in Greene County, to raise a sum of money for the use of said Academy, by way of lottery.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the trustees of Hookerton Academy, be, and they are hereby authorized to raise by way of lottery, any sum of money not exceeding two thousand dollars for the use of said Academy, in such classes as to them may seem most expedient and proper.

II. *Be it further enacted*, That it shall be the duty of the trustees of said Academy, before they shall offer for sale any ticket in any lottery authorized by this act, to appoint one or more persons to draft a scheme of such lottery, and superintend the drawing of the same: And the trustees of the said Academy shall be jointly and severally liable in their proper person to fortunate adventurers in any lottery authorized by this act, for the amount drawn to their respective numbers in an action on the case brought to recover the same.

#### CHAPTER LV.

An Act to establish an Academy on or near the lands of Stephen S. Snowden, in Camden county, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That there shall be an Academy established on or near the lands of Stephen S. Snowden in Camden county, near the old Baptist meeting-house, to be known by the name of Camden Academy.

II. *Be it further enacted*, That Stephen S. Snowden, Willis Wilson, William Mercer, Samuel Phillips, W. B. Webster, Thomas Roberts, Caleb Perkins, Samuel Robeson, Isaac N. Lamb, John H. Roberts, Luke G. Lamb and Isaac Tillet, be, and they are hereby appointed trustees of the said Academy hereby established: And the said trustees or a majority of them shall have power to make such rules and regulations for the well ordering and good government of said Academy as they may deem expedient; to appoint other trustees or fill vacancies where the same may happen, and to do whatsoever matter or thing which trustees of other Academies in this state are allowed to do for the encouragement thereof.

III. *And be it further enacted*, That the said trustees or a majority of them be, and they are hereby authorized and empowered to raise by way of lottery, a sum not exceeding two thousand five hundred dollars, and



According to such plan as the said trustees may adopt ; which sum shall be appropriated by the said trustees to the purpose of making suitable buildings, purchasing books, or to any other purpose, for the promotion of the said institution as they in their discretion may direct.

### CHAPTER LVI.

An Act to authorize the Trustees of the Laurenceville Academy to raise a sum of money by way of Lottery, for the purpose of completing the building for said Academy.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the trustees of the Laurenceville Academy, or a majority of them, be, and they are hereby authorized and empowered to raise by way of lottery or lotteries, a sum of money not exceeding one thousand dollars, for the purpose of completing the building by them begun for said Academy.

II. *Be it further enacted,* That John Randle, John Martin and John Forrest, jr. Esqs. be appointed managers to conduct said lottery or lotteries, under the inspection and direction of said trustees ; and the said managers shall enter into bond and security to the chairman of the county court for the faithful discharge of the trust in them reposed ; and shall be accountable for the prizes and profits thereof ; and in case any of the managers shall die or refuse to act, the said trustees shall have full authority to fill such vacancy, and such person or persons so appointed by said trustees shall be manager or managers : *Provided,* such person or persons shall not be trustees of the Academy.

III. *Be it further enacted,* That all prizes shall be paid within one month after the drawing is finished, on the demand of the possessor of a fortunate ticket ; and all prizes not demanded within six months after the drawing is finished, of which public notice shall be given within two weeks thereafter, in some one of the papers printed in the city of Raleigh, and a list of the fortunate numbers published, the same shall be considered relinquished for the benefit of said Academy.

### CHAPTER LVII.

An Act to amend an act passed in the year one thousand eight hundred and seventeen, entitled ' an act to amend an act passed in the year one thousand eight hundred and four,' entitled ' an act to establish an Academy in Greene Conny.'

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the trustees of Hookerton Academy in Greene county shall have full power and authority to fill all vacancies which may happen in the number of the board of trustees by death, resignation or refusal to act : And the trustees appointed as aforesaid shall have the same power and authority as those appointed under the before recited act until the next annual election and no longer, unless re-elected.

### CHAPTER LVIII:

An act to amend the first section of an act of the General Assembly of this State, passed in the year of our Lord one thousand eight hundred and thirteen, entitled " an act to establish and incorporate an Academy in the town of Lincolnton in the county of Lincoln."

*Be it enacted by the General Assembly of the State of North-Carolina,*



and it is hereby enacted by the authority of the same, That from and after the passing of this act, Robert H. Burton, Lawson Henderson, John Hooke, David Ramsour and Robert Williamson shall be, and they are hereby appointed trustees of said Academy, and that they or a majority of them shall have, hold and possess all the powers and authority which was vested in the trustees mentioned in the before recited act; and that the said act so far as relates to the appointment of the trustess therein named be, and the same is hereby repealed.

#### CHAPTER LIX.

An Act to alter the time of holding the Court of Pleas and Quarter Sessions of the county of Person.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That after the next term of Person county Court of Pleas and Quarter Sessions, the justices thereof shall hold the said court on the fourth Monday of June next, to which all process and proceedings shall be made returnable.*

*II. Be it further enacted, That thereafter the said Court of Pleas and Quarter Sessions shall be held on the fourth Mondays of September, December, March and June, annually.*

*III. And be it further enacted, That it shall be the duty of the justices of said county at February term next, to elect a sheriff for said county, who shall enter upon the duties of his office on the tenth day of May next, and continue to discharge the duties of said office until the fourth Monday of June in the year of our Lord one thousand eight hundred and twenty-one, and the bond given by said sheriff shall be according to the provisions of this act, any law to the contrary notwithstanding.*

#### CHAPTER LX.

An Act to alter the time of holding the Court of Probate in the County of Rowan.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the court directed to be held at Lexington in the county of Rowan, by a law passed at the last General Assembly of this state, shall be holden on the Friday immediately preceding each and every county Court of Pleas and Quarter Sessions of said county.*

#### CHAPTER LXI.

An Act to alter the time of holding Rockingham County Court.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the county court of Rockingham heretofore begun and held on the last Mondays of February, May, August and November, shall from and after the passage of this act, be open and held on the fourth Mondays in the aforesaid months, any law to the contrary notwithstanding.*

#### CHAPTER LXII.

An Act to alter the times of holding the Court of Pleas and Quarter Sessions of Tyrrell County.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the second Monday in January next, the Court of Pleas and Quarter*



Sessions of Tyrrel county shall commence on the first Monday after the fourth Monday of March, June, September and December in each year, any law to the contrary notwithstanding.

### CHAPTER LXIII.

An Act concerning the Courts of Pleas and Quarter Sessions for the County of Haywood.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the first term of the said court, which shall be held next after the passing of this act, the said Court shall be held on the last Monday in June, September, December and March in each and every year thereafter, any law to the contrary, notwithstanding.

### CHAPTER LXIV.

An Act to alter the time of holding the County Court of Caswell.

*Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same,* That from and after the next term of the county Court of Pleas and Quarter Sessions of the county of Caswell, the said court shall be holden on the second Monday after the fourth Monday of March, June, September and December, in each and every year, under the same rules, regulations and restrictions as are now prescribed by law.

### CHAPTER LXV.

An Act to alter the times of holding the two courts of pleas and quarter sessions of Camden county, that are now holden on the first Mondays in May and November.

*Be enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the first Monday in February next, the two terms of the court of pleas and quarter sessions of Camden county, which are now held on the first Mondays in May and November of each year, shall be holden in the same weeks that the superior courts of law and equity are now held for said county, to wit: The fifth Monday after the fourth Monday in March and September in each and every year; and the court of pleas and quarter sessions shall have the two first days of each session to transact their business and no longer, and the jury summoned to attend the superior court in each term shall also attend the court of pleas and quarter sessions as jurors for each court, and the two terms of the court of pleas and quarter sessions which have been held on the first Monday in February and August, shall continue to be holden as heretofore.

II *Be further enacted,* That all laws and clauses of laws, coming within the meaning and purview of this act, be, and they are hereby repealed.

### CHAPTER LXVI.

An act to alter the times of holding the Court of Pleas and Quarter Sessions of Currituck County

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the justices of the court of pleas and quarter sessions, shall have full power and authority to alter the times of holding the courts of pleas and quarter sessions of Currituck county, so that they shall commence on the sixth Mondays after the fourth Mondays of March, June, September and December



in each and every year; and in case they so alter the times of the setting of said court, the jury drawn by said court to serve in the superior courts, which set the sixth Mondays after the fourth Mondays of March and September shall, as many of them as are liable to serve in the courts of pleas and quarter sessions, serve as jurors in said courts for the two sessions happening in the weeks of the superior courts; and when the superior courts and courts of pleas and quarter sessions come in the same week, the superior court shall have the preference of sitting first until the business of the superior court is done if the judge attends; and all acts coming within the purview of this act, are hereby repealed.

#### CHAPTER LXVII.

An Act to amend an act, entitled 'an act for the regulation of the town of Warrenton, for repealing the acts or parts of acts heretofore passed on that subject and for other purposes,' passed in 1803.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the following clauses in the second section of the above recited act, be repealed, and made void, viz: 'It shall be the duty of the commissioners who have last been elected to superintend, and certify the election of their successors: In case of the death, refusal to act, or other cause of vacancy, a new election shall be held to supply such vacancy; and the following provision be inserted instead thereof, viz: That in case of a failure to elect commissioners in one or more instances, or of the death, refusal to act, or any other cause of vacancy, an election may be held by the inhabitants at any time to supply any deficiency in the number of commissioners, or magistrate of police.*

II. *And be it further enacted, That the fifth section of the above recited act, be and the same is hereby repealed.*

III. *And be it further enacted, That so much of the act passed in the year one thousand eight hundred and two 'to empower the commissioners therein named to lay off into lots the land formerly laid off as town commons, adjoining the town of Warrenton, and to sell the same, and for other purposes,' as requires advertisement to be made in the Warrenton Messenger, and North-Carolina Journal, be and the same is hereby repealed.*

#### CHAPTER LXVIII.

An act to appoint commissioners for the town of Madison.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Joel Cardwell, Thomas Smith, Randal D. Scales and John Odineal, be, and they are hereby appointed commissioners for the town of Madison in the county of Rockingham, with full power and authority to regulate and establish the limits and plan of the same; and the said commissioners are hereby authorised and empowered to make and enforce such bye-laws, rules and regulations for the government of the said town, as to them or a majority of them or their accessors may appear expedient.*

#### CHAPTER LXIX.

An Act concerning the Roanoke Navigation Company.

*Be enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the general*



meeting of the Stockholders of the Roanoke Navigation Company, shall hereafter be held on the second Monday in November, in each and every year, or at such other time as the Stockholders in general meeting may appoint, any law to the contrary notwithstanding.

II. *And be it further enacted*, That this act shall be in force whenever the General Assembly of Virginia shall pass an act to the same purport and effect.

### CHAPTER LXX.

An Act to appoint Commissioners for the town of Fulton.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John Haynes, Bazel Gather, Mack Crump, Jilson Berryman, John Douthit and Thomas Hampton, be, and they are hereby appointed commissioners of the town of Fulton, lately laid out on the Yadkin river in Rowan county: And the said commissioners or a majority of them shall have power to regulate and establish the plan and limits of said town; to make, ordain and enforce bye-laws, rules and regulations for the government thereof; to levy, collect and appropriate town taxes, and to do and perform such other matters or things relating to the prosperity and well being of said town as they in their discretion may think proper, or as are usually granted to or exercised by commissioners of other towns: having a due regard to the constitution and laws of the State.

II. *And be it further enacted*, That if any of the said commissioners should die, remove, or refuse to act, the remaining commissioners shall have power to fill such vacancy, by the appointment of others in their stead:

### CHAPTER LXXI.

An Act concerning the town of Concord.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the free men of the town of Concord, and its limits as hereinafter mentioned, be, and they are hereby authorized and empowered to convene at the Court-House in said town on the first Monday in March, in each and every year, and elect five commissioners (who shall be freeholders) and a magistrate of police, who shall hold their respective appointments for one year, and no longer, unless re-elected; and in case of the death, removal, or refusal to act of any commissioner, it shall be the duty of the magistrate of police, upon due notice given, to hold an election for commissioner or commissioners (as the case may be) who shall hold their appointment until the next annual election: and in case of the death or removal of the magistrate of police, the commissioners shall appoint one to fill the vacancy until the next annual election.

II. *And be it further enacted*, That the said commissioners be, and they are hereby authorized and empowered to make such bye-laws and regulations for the good government of said town as they may think proper, not inconsistent with the laws and constitution of this state and of the United States.

III. *Be it further enacted*, That all persons, living and residing within one quarter of a mile from the Court-House in said town, shall be est-



titled to the same privileges and liable to the same rules and regulations as citizens of the town residing within the limits of said town, as established under the act of 1806.

IV. *And be it further enacted*, That all acts and clauses of acts, coming within the meaning and purview of this act, be, and they are hereby repealed.

### CHAPTER LXXII.

An Act to appoint a Magistrate of Police for the town of Elizabeth City.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a fit and proper person shall be elected at the time and in the manner directed by law for the election of commissioners, who shall be called the magistrate of police for said town; whose duty it shall be to enforce obedience to the laws, and punish offenders; and he shall be and is hereby authorized to issue his warrant directed to the sheriff or deputy sheriff or town constable, to summon all offenders against the laws, rules and ordinances made and provided for the regulation of said town to appear before him; which shall be in the manner of warrants issued by a justice of the peace, and the said magistrate is hereby required and authorized to give judgment and award execution agreeably to the laws, rules and ordinances for the government of said town, which warrant the said sheriff, deputy sheriff, or constable is hereby required to execute and return, and in such trials or enquiries, the said magistrate is hereby authorized and declared to possess all the necessary powers to administer oaths and subpoena, and examine witnesses; and the said magistrate before he enters on the duties of his office, shall take before some justice of the peace of Pasquotank county, the following oath: I A. B. do solemnly swear that as magistrate of police for the town of Elizabeth City, I will do equal justice in all cases whatever, to the best of my judgment and according to the laws, rules and ordinances made for the government of said town; all fines and amercements that may be made, I will cause to be duly returned to the proper office, and in all things belonging to my office, during my continuance therein; I will truly, faithfully and justly demean myself according to the best of my skill and ability.

II. *Be it further enacted*, That in all cases where any person is dissatisfied with the judgment of said magistrate, he or she shall have the privilege of appealing to the county court of Pasquotank, in the same manner and under the same rules and restrictions as in the case of appeals from a justice of the peace.

### CHAPTER LXXIII.

An Act to appoint Commissioners to remove the Public Buildings of Onslow County, and for other purposes

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Daniel M. Dulany, Edward Ward, Hezekiah Wilder, Jacob Gulden and William Mumford, Esquires, be and they are hereby appointed commissioners for the purpose of fixing a site for the public buildings of Onslow county.

II. *Be it further enacted*, That the commissioners aforesaid, be and they are hereby authorized to purchase a piece of land for the purpose of erecting the public buildings of said county not exceeding ten acres



and not more than half a mile from the place on which the Court-House of said county now stands, and on the same side of New river, at such price as they can procure it; which land, when purchased by said commissioners, shall be by them laid off into lots of an acre, or half acre each, as to them shall seem proper, and be sold to the highest bidder on such credit as they may think proper, reserving two acres for the public buildings of said county: And deeds executed by said commissioners or any three of them, shall convey an absolute fee simple for the lot or lots so sold and conveyed.

III. *Be it further enacted*, That the said commissioners be, and they are hereby authorized to contract with any person or persons for building and erecting on the two acres of land reserved by the preceding section, a court house and jail for the use of said county, of such dimensions, of such materials, and upon such terms as to them may seem proper.

IV. *Be it further enacted*. That the said commissioners be, and they are hereby authorized to sell at public sale, to the highest bidder, on such credit as they may think proper, the present court house and jail of said county, with the public square on which they are situated, to be given possession of to the purchaser or purchasers as soon as the new public buildings completed\* by this act shall be completed; and the money arising from the sale of the lots, to be laid off on the lands so purchased, and also the money arising from the sale of the present court house and jail, with the land on which they stand, shall be by the commissioners applied to defray the expenses incurred by the provisions of this act.

V. *Be it further enacted*, That all expenses which may be incurred by the provisions of this act, more than the amount of the money arising from the sale of the present public buildings of said county, and of the lots directed by this act to be sold by said commissioners, shall be defrayed by the county of Onslow out of any monies in the treasury of said county, not otherwise appropriated.

#### CHAPTER LXXIV.

An Act to amend an act passed in the year one thousand eight hundred and fifteen, entitled "an act to incorporate the town of Charlotte, Mecklenburg county."

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*. That from and after the passing of this act, it shall be lawful for the citizens of Charlotte to meet at the court house in said town on the first Monday of March in each and every year, for the purpose of electing five commissioners to govern and regulate the same, agreeably to an act of the General Assembly passed in the year one thousand eight hundred and fifteen incorporating the said town of Charlotte.

II. *And be it further enacted*, That no person shall be eligible to the appointment of commissioner as aforesaid, unless he has a fee simple title to an improved lot in said town.

III. *And be it further enacted*. That no person shall be permitted to vote for a town commissioner, for the purposes aforesaid, unless he shall have a fee simple title to one lot of land in the said town of Charlotte.

IV. *And be it further enacted*, That if the citizens of the town of Charlotte aforesaid, should fail or neglect to attend on the first Monday of  
\*Contemplated.—Printer.



March in each and every year, to elect town commissioners as aforesaid, then and in that case, the commissioners last elected shall act until new commissioners are elected.

V. *And be it further enacted*, That the five persons having the highest number of votes at such election shall be deemed duly elected the town commissioners for the ensuing year, any law to the contrary notwithstanding.

#### CHAPTER LXXV.

An Act authorizing the commissioners of the town of Morganton to sell certain parts of the public square in said town, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the commissioners of the town of Morganton, in the county of Burke, be and they are hereby authorized and empowered to sell at public vendue, on such credit as they may think proper, to give fifty feet square in each of the corners of the public square in said town; and to make to the purchaser or purchasers thereof, a good and lawful deed or deeds of conveyance for the same: And the monies arising from such sale shall be appropriated towards raising a fund for building a new court house for said county.

II. *And be it further enacted*, That the said commissioners be, and they are hereby authorized to purchase a lot in some convenient part of said town of Morganton, whereon to erect the new jail which said county is about to build, and that the said lot be appropriated to the use and occupancy of the keeper of the said jail for the time being, or if the said commissioners should prefer reserving some one of the lots which remain unsold in said town, if any there should be, they are hereby authorized to reserve the same for the purposes aforesaid.

#### CHAPTER LXXVI.

An Act to lay off and establish a town on the lands of Constantine Perkins, in the county of Surry.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That William McCraw, Mordicai Flemming, Golihu Moore, Micajah Fortner, and Elijah Harris, be, and they are hereby appointed commissioners, with full power and authority to lay off a town on the lands of Constantine Perkins, on the main Hallow road, at or near the fork of the road leading to the Good Spur Gapp and Ward's Gapp in the county of Surry, by the name of Perkinsville: And it shall be the duty of the commissioners or a majority of them, as soon as may be, to lay off and exhibit a fair plan of said town in acre or half acre lots, on the lands aforesaid as to a majority of them may seem proper: And when the said lots shall be so laid off, the same shall be sold by the aforesaid commissioners, and the money arising from the sale of the said lots shall be applied to the sole and proper use of the said Constantine Perkins or his legal representatives: *Provided*, the consent of the proprietor shall have been first obtained. *Provided further*, That the said Constantine Perkins shall before the sale of the lots of the said town, execute to the commissioners aforesaid a good and sufficient title in fee simple to the lands upon which the said town of Perkinsville is to be established.



## CHAPTER LXXVII.

An act to amend an act passed in the year 1818, entitled an act to elect a magistrate for the town of Wilmington and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the above recited act shall not be so construed as to extend to, or in any wise affect any person or persons being citizens of the county of New-Hanover and not residents of the town of Wilmington aforesaid.

II. *And be it further enacted,* That the said magistrate for the town of Wilmington, shall be entitled to receive the same fees for process in criminal cases, as he is by said act entitled to receive in civil cases, and to the further compensation of one dollar for each deposition which may be by him taken.

## CHAPTER LXXVIII.

An act to repeal part of the 8th section of an act, Chapter 74, passed in the year one thousand eight hundred and eighteen, relative to the town of Carthage in Moore county, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the eighth section of the above recited act, as requires the commissioners of the said town of Carthage, to pay over monies by them received, by virtue of their appointment, to the wardens of the poor for the said county of Moore, be, and the same is hereby repealed

II. *And be it further enacted by the aforesaid authority,* That the sum or sums of money which may hereafter be received by the commissioners of the said town of Carthage, by virtue of their appointment, shall be by them appropriated towards the repairing and keeping in proper order the streets of the said town, and for the payment of all other charges that have or may necessarily accrue in any way relative to the said town or the good government thereof.

## CHAPTER LXXIX.

An act to appoint commissioners for the town of Rockford in Surry county, and to incorporate the same.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Matthew M. Hughes, William P. Dobson and Little Hickerson, be, and they are hereby appointed commissioners of the town of Rockford in Surry county, and they are hereby incorporated into a body politic and corporate, and they or a majority of them, are declared to possess power and authority, to sue and be sued, plead and be impleaded in any court of law or other competent authority in this State, and also to pass such bye-laws and ordinances, to advance the interest of said town and for the good government of the same, as they may deem expedient, not inconsistent with the laws and constitution of this State or of the United States.

## CHAPTER LXXX.

An act to appoint commissioners for the town of Chapel Hill, in Orange county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Joseph Caldwell, Pleasant Henderson, Thomas Taylor, Ezekiel Trice and William Barbee,



be, and they are hereby appointed commissioners for the town of Chapel Hill in Orange county, with full power and authority to fix and establish the boundaries of said town, and to make such bye-laws, rules and regulations for the government of the said town as they may think proper; not inconsistent with the laws and constitution of this State and of the United States.

#### CHAPTER LXXXI.

An act to empower the commissioners for the town of Tarborough, to sell a part of the town commons.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners for the town of Tarboro' are hereby authorised and empowered to lay off half an acre of the commons of said town, in such situation as they may deem most eligible, and sell the same upon such terms as they may deem most advisable to the Baptist Society, for the purpose of erecting a Church thereon.*

*II. And be it further enacted, That the commissioners or a majority of them, shall appropriate the money arising from such sale to such purposes as they may think proper:*

#### CHAPTER LXXXII.

An act to authorise the commissioners of the town of Hertford, to sell certain property in said town.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Hertford in Perquimons county, be, and they are hereby authorised and empowered to sell in such manner and upon such terms as they may deem advisable. all the lots in said town remaining unsold by former commissioners, and to apply the proceeds of such sale to such public purposes connected with the improvement of said town, as they may deem expedient.*

*II. And be it further enacted, That the said commissioners, be, and they are hereby authorised and empowered to sell that part of the town which was reserved in the original plan for a public burying ground, and with the proceeds of such sale to purchase land either in or adjacent to the town, more suitable for that purpose.*

#### CHAPTER LXXXIII.

An act for the better regulation of the town of Rutherfordton in the county of Rutherford.

*Be enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That George Walton, Joseph Hamilton, John Logan, Noah Hampton, Jacob Michaels, Edmund Bryan, Isaac Crayton, Garland Dickerson, James M. Foster, Philip Fulk, Joseph Bowen and John McEntire, be, and they are hereby appointed commissioners for the town of Rutherfordton.*

*II. And be it further enacted, That the said commissioners or a majority of them shall have full power and authority to make all such bye-laws and regulations as they or a majority of them may deem necessary for the good order and government of the said town: Provided, such bye laws and regulations be not inconsistent with the constitution and laws of this State.*



III. *And be it further enacted*, That it shall be the duty of the said commissioners, or a majority of them, to meet quarterly at the Court House in said town, that is to say, on the first Monday in January, April, July and October, in each and every year, for the purpose of regulating the affairs of the said town, they shall have power to appoint out of their own body a chairman, clerk and treasurer, who shall each be continued in office for one year from the time of their respective appointments, but may be re-elected at the discretion of the said commissioners or a majority of them.

IV. *And be it further enacted*, That the clerk of the said commissioners shall duly enter and record the proceedings, rules, regulations and ordinances entered into, made and enacted by them, and shall from time to time publish in such manner as they may direct, the proceedings, rules, regulations and ordinances of the said commissioners.

V. *And be it further enacted*, That the said commissioners or a majority of them shall have power to make to such clerk, such compensation for his services as they may deem adequate to be paid by the treasurer of the town, on the warrant of the chairman of the board of commissioners.

VI. *And be it further enacted*, That the treasurer to be appointed by the said commissioners, shall enter into bond with such security and in such amount as the said commissioners may approve and direct, which bond shall be made payable to the said commissioners and their successors in office, and conditioned for the safe keeping and duly accounting for all monies which may come into his hands by virtue of his office: It shall be the duty of the said treasurer to keep a fair account of all receipts and disbursements of money, and annually to balance his accounts and put up a true copy of the same in the Court House for the information of all concerned.

VII. *And be it further enacted*, That all acts or parts of acts which come within the purview and meaning of this act, be, and they are hereby repealed.

#### CHAPTER LXXXIV.

An act to regulate the commissions of the collector and treasurer of public buildings in the county of Anson.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the collector of the tax of public buildings for the county of Anson, shall be allowed not exceeding six per centum for collecting the same, and that the treasurer of public buildings shall not be allowed more than one per centum for disbursements, any law to the contrary notwithstanding.

#### CHAPTER LXXXV

An act to appoint additional commissioners, to carry into effect an act passed in 1818, entitled an act to appoint commissioners for the town of Nixonton, in Pasquotank and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That in addition to the commissioners appointed in the above recited act, that there be added Henry P. Reading, Charles Bailey, Robert Bailey, Francis Shaw and John Boon, senr. and that they have the same powers and authorities now



vested in the commissioners, in the above recited act, to act in unison with them, any law to the contrary notwithstanding.

#### CHAPTER LXXXVI.

An act to empower the commissioners of the town of Edenton, to appoint a fire company, and for other purposes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the commissioners of the town of Edenton, be, and they are hereby authorised to appoint any number of persons residing in the said town, not exceeding twenty five to constitute a fire company, to remove any person so appointed upon sufficient cause shewn, and to fill any vacancies that may occur, and to establish such ordinances, rules and regulations for the government of such company as they may deem expedient not inconsistent with the laws of this State or of the United States.

II. *Be it further enacted,* That the persons so appointed shall, while they continue to act as firemen, be exempt from the performance of militia duty, except in case of insurrection or rebellion or while the United States may be engaged in war with a foreign nation.

#### CHAPTER LXXXVII.

An act to repeal part of an act passed in the year 1818, entitled "an act to appoint commissioners to sell certain lots, and the town commons, in the town of Morganton

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That so much of the said act as relates to the appointment of Col. William W. Erwin and Isaac J. Avery, as commissioners for the purposes mentioned in the same, be, and the same is hereby repealed.

II. *And be it further enacted,* That John Caldwell, Thomas Walton, John M. Greenlee, Adolphus L. Erwin, John McGuire, Moses Whitesides, Thomas Boshell and William McIntire, be, and they are hereby appointed commissioners for the purposes aforesaid, and that they are hereby vested with all the power and authority which is vested in the other commissioners by the aforesaid act of 1818, any law to the contrary notwithstanding.

#### CHAPTER LXXXVIII.

An act supplemental to an act passed in the year 1818, entitled "an act to appoint commissioners for the town of Hamptonville, in Surry county."

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall be in the power of the commissioners appointed by the before recited act, to fill any vacancy which may hereafter occur in their body by death, removal or resignation.

II. *And be it further enacted,* That the commissioners appointed by the act, entitled an act to appoint commissioners for the town of Hamptonville in Surry county, be, and they are hereby fully authorised and empowered to lay off into lots and sell so much of the town commons, as they may deem expedient, and to apply the proceeds thereof to the use and improvement of the town of Hamptonville aforesaid, any law to the contrary notwithstanding.



## CHAPTER LXXX X.

An Act to amend an act passed in the year one thousand eight hundred and eighteen, entitled 'an act to establish a separate election in each captain's district in the county of Nash.'

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the first section of the above recited act as relates to the time of holding elections for members of the General Assembly of this state, be, and the same is hereby repealed.*

*II. And be it further enacted, That in future, all elections for members of the General Assembly of this state, for the county of Nash, shall be holden on the first Thursday in August, in each and every year.*

## CHAPTER XC.

An Act to establish separate elections at the places therein named, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in all elections hereafter to be held for members of the General Assembly, members to Congress and electors of President and Vice President of the United States, there shall be a separate election held at each of the following places (to wit) At Pleasant Hill (Bowden's and Green's store) in the county of Granville; at the house of colonel William Dickey, in the county of Guilford, and the store of Foster and Cowan (known by the name of Mount Vernon) and at the town of Fulton in the county of Rowan, which elections shall be held under the same rules and regulations which govern other separate elections in the counties wherein they are respectively established.*

*II. Be it further enacted by the authority aforesaid, That in all elections hereafter to be held as aforesaid, the separate election heretofore held at Morrison's meeting-house in the county of Burke be discontinued, and that a separate election be hereafter held at the house of colonel James Dezirt in said county: That the separate election heretofore established and held at the house of Joseph Houston in the county of Iredell, be discontinued, and that a separate election be held hereafter, at the house of Adam Moore in said county: That the separate election heretofore established and held at the house of Daniel A. Bateman, in the county of Washington, to be held hereafter at the house of Robert B. Davis in said county: That the separate election heretofore established and held at the Old Chapel in the county of Onslow, be discontinued, and a separate election hereafter held at the house of Hosea Wilder in said county; and that the separate election heretofore established and held at the house formerly occupied by James A. White of the county of Craven, on the north side of the Neuse road, shall hereafter be held at the house of said James A. White on the south side of said road; and at the house of Berry King, in the county of Wake: That a separate election be established at the house of Asel Sharpe in the county of Iredell; and at the house of captain John Smith in the north part of the county of Guilford.*

*III. And be it further enacted. That at the close of the polls at every place of election of the county of Warren, it shall be the duty of the officer and the inspectors under whose superintendence the election shall*



be had to count and add up the number of votes given for every candidate, and to certify the same in writing to the proper returning officer of the said county before two o'clock of the afternoon of the succeeding day; whose duty it shall be, upon ascertaining from such returns for whom a majority of suffrages is given, to proclaim the same accordingly: All of which elections shall be held under the same rules and regulations, on the same days and the same time which govern other separate elections in said counties respectively.

#### CHAPTER XCI.

An Act further to regulate the holding of separate elections in the county of Northampton.

*Be enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the several separate elections in the county of Northampton, shall in future be held on the Thursday before the second Friday in August, in each and every year, under the same rules, regulations and restrictions, as elections have heretofore been held in said county.

II. *Be it further enacted,* That the inspectors appointed to hold the separate elections, shall make return, under their hands, of the number of votes taken at the election of which they were inspectors, for each candidate, at the Court House on the second Friday in August, on or before two o'clock in the afternoon: And the sheriff or his lawful deputy, or other lawful officer, upon receiving the same, shall proceed to add the whole number of votes given to each candidate together, and shall make proclamation who are elected for the county.

III. *And be it further enacted,* That all laws and clauses of laws coming within the purview and meaning of this act, be and the same are hereby repealed.

#### CHAPTER XCII.

An Act concerning the elections in the county of Cabarrus.

*Be enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in future all elections for members to the General Assembly and members to Congress, and electors to vote for President and Vice President of the United States, in the county of Cabarrus, shall be opened and held on the second Thursday in August at the several places appointed by law for that purpose; and the polls shall be closed and the ballots counted out on the same day, by the several persons appointed to superintend the same, which persons shall make a certificate of the number of votes given to each candidate, and sign and seal the same.

II. *And be it further enacted,* That on the next day after such election it shall be the duty of the persons holding the same, to make return of said certificates by twelve o'clock to the sheriff of said county at Concord, to be by him opened and examined; and after enumerating the votes given to each candidate, as contained in said certificates, it shall be the duty of the sheriff to proclaim the same, any law, usage, or custom to the contrary notwithstanding.

III. *And be it further enacted,* That all laws and clauses of laws coming within the meaning and purview of this act, be and they are hereby repealed.



## CHAPTER XCIII.

An Act to alter the time of holding the election for the town of Halifax.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the election for a member to represent the town of Halifax in the General Assembly, shall be held on the Wednesday immediately preceeding the second Thursday in August, in each and every year, under the same rules, regulations and restrictions as other elections are held in said county.

## CHAPTER XCIV.

An Act to alter the time of closing the polls of the different elections held in the county of Perquimons to elect members to the General Assembly, and to elect representatives to Congress and electors to vote for President and Vice President of the United States.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in future, it shall be the duty of the sheriff of Perquimons county to close or cause to be closed, the different polls to elect members to the General Assembly, and representatives to Congress and for electors to vote for President and Vice President of the United States for said county, at five o'clock in the evening.

II. *And be it further enacted,* That it shall be the duty of said sheriff to give public notice of the same, ten days previous to the day of said elections; which notice shall be posted up at the Court House door, and in each captain's district of said county, any law to the contrary notwithstanding.

## CHAPTER XCV.

An Act to alter the place of holding one of the separate elections in the county of Orange.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the separate election now directed by law to be holden at Cannon's mill on Stoney creek in said county, shall hereafter be holden at Fossett's store in the said county, under the same rules and regulations as all the other separate elections in and for said county are held.

## CHAPTER XCVI.

An Act to repeal an act passed in the year one thousand eight hundred and four, entitled 'an act to establish a separate election in the county of Chatham,' and also to repeal an act passed in 1815, entitled 'an act to alter the place of holding a separate election in the county of Chatham.'

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the before recited acts establishing and altering a separate election in the county of Chatham, be and the same are hereby repealed.

## CHAPTER XCVII.

An act to amend an act passed in the year one thousand eight hundred and sixteen, entitled 'an act to prohibit obstructions to the passage of fish through Currituck and New Inlets, and the narrows of Currituck sound.'

*Be it enacted by the General Assembly of the State of North-Carolina,*



*and it is hereby enacted by the authority of the same,* That in future all persons now owning or who may hereafter own landed property within the counties of Currituck and Hyde, the situation of which being eligible for the establishment of fisheries, shall be entitled to all the privileges of fishing in the waters of the same that the inhabitants of Currituck and Hyde are now entitled to; though they be not inhabitants of either of the said counties, any law to the contrary notwithstanding: *Provided,* they shall not extend their seins further than to the middle of the channel.

#### CHAPTER XCVIII.

An Act to prevent persons from obstructing the passage of fish up Town Fork, in the county of Stokes.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall not be lawful for any person or persons to erect fishdams or other obstructions in the county of Stokes across Town Fork, to a greater extent or distance than two thirds of the width of the said river: And any person or persons offending against the provisions of this act, shall forfeit and pay the sum of five dollars for each and every offence, to be recovered before any justice of the peace by warrant; and to be applied to the use of the person suing for the same, any law to the contrary notwithstanding.

#### CHAPTER XCIX.

An Act to amend an act passed in the year one thousand eight hundred and eighteen, entitled 'an act to regulate the fisheries on Scuppernong river, Little Alligator creek, on the Great Alligator river, and the waters thereof, in Tyrrell county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the said act be so amended as that the time in which fishing in the said river and creek is prohibited, shall be from Saturday at sun set to Monday at sun rise instead of the time mentioned in the said act.

#### CHAPTER C.

An Act to appoint a committee of finance for the county of Moore:

Whereas the laws or the manner in which they are enforced to compel the public officers of the county of Moore to settle and account for monies received by them belonging to said county, by virtue of their office, have proved inefficient; for remedy whereof.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the Court of Pleas and Quarter Sessions for the aforesaid county, at their first session which may be holden after the first day of January one thousand eight hundred and twenty, and annually thereafter, to appoint three competent and respectable men to form a committee to be called and known by the name of the committee of finance, whose duty it shall be to settle with all the public officers of said county, in whose hands the public money may be entrusted, annually, or oftener if necessity should require it.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the committee appointed by virtue of this act, or a majority of them, to notify in writing the officer or officers with whom they may



wish to settle, ten days previous to the day appointed for settlement, specifying the time and place at which they will attend for the purpose of making such settlement; and each officer on receiving said notice, as before mentioned, and failing to attend, shall forfeit and pay the sum of one hundred dollars for every default; to be recovered before any jurisdiction having cognizance thereof, one half to the use of the county and the other half to the use of the committee, to be sued for in the name of the committee, unless they can render sufficient reasons for their non-attendance, and in such case it shall be the duty of the court to remit the forfeiture on payment of costs and suit.

III. *And be it further enacted*, That a majority of the members of the said committee shall be competent to make settlements; and each of the members of the committee shall be entitled to receive for their services per day at the discretion of the court, a sum not less than two dollars nor more than four for every day they may be necessarily employed in making said settlements, to be paid out of any money belonging to said county.

IV. *And be it further enacted*, That it shall be the duty of the said committee to make two fair statements of each settlement they may make by virtue of their appointment, one of which shall be filed with the Clerk of the court of pleas and quarter sessions of said county, and the other be kept for the use of the committee.

V. *And be it further enacted*, That the persons appointed to form said committee shall previous to their entering on the duties of their appointment take the following oath, viz: I A, B, do solemnly swear, (or affirm as the case may be,) that I will faithfully discharge the duties imposed on me as a member of the committee of finance for Moore county, in all business that may come before me, without doing injustice to the county or to the individual to the best of my knowledge and understanding, so help me God.

## CHAPTER CI.

An act for the relief of Mary Ann Sansum.

WHEREAS it appears from the memorial of Mary Ann Sansum, and the documents accompanying the same, that the six negroes or mulattoe slaves mentioned in said memorial were imported into this State, without any intention to violate the laws of the United States or of North-Carolina.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Sheriff of New-Hanover county, be and he is hereby authorised and required to surrender and deliver over to the said Mary Ann Sansum the six negroes or mulattoe Slaves imported into the port of Wilmington in August last, in the brig Sally, whereof Anthony S. Delise was master; *provided* the said Mary Ann Sansum enter into bond with approved security payable to the Sheriff of New-Hanover county, in an amount of double the value of said negro or mulattoe slaves to carry the same beyond the limits of the State of North Carolina within four months from the date of said delivery.

II. *And be it further enacted by the authority aforesaid*, That in case the Sheriff of New-Hanover shall have sold said negro or mulattoe slaves, or



any part of them agreeable to an act of Assembly in such case provided and passed in the year one thousand eight hundred and sixteen. previous to obtaining notice of this act, then and in that case. the said Sheriff of New Hanover county is hereby authorised and required to assign and deliver over to the said Mary Ann Sansum, all bonds which may have been taken for the payment of the purchase money arising from the sale of said negro or mulattoe slaves, on her paying to the Sheriff all expences and charges which may have arisen from the seizure of the said slaves.

III. *And be it further enacted*, That this act shall be in full force, from and after the ratification thereof.

### CHAPTER CII.

An act to amend an act passed last session entitled "an act to establish a poor and work house in the county of Camden and for other purposes."

WHEREAS the tax authorised to be laid by the overseers of the poor in the county of Camden, by the above recited act, is found to be insufficient to effect the purposes intended : Therefore,

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That the said overseers of the poor for the county of Camden, be, and they are hereby authorised to lay a tax not exceeding fifty cents, on every taxable poll, and a tax not exceeding twenty five cents on every hundred dollars value of land and town property in said county, for each and every year hereafter until a sufficient sum be collected to erect the buildings authorised by said act, and the same shall be collected and accounted for in like manner as other poor money in said county.

II. *And be it further enacted*, That so much of the before recited act, as comes within the purview and meaning of this act, be, and the same is hereby repealed.

### CHAPTER CIII.

An Act to prevent obstructions to the passage of fish up Neuse River, Contentnea Creek and Little River.

*Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, it shall not be lawful for any person, or persons between the 15th day of February and the 25th day of April in each year, to erect or cause to be erected, across Neuse River, commencing four miles above the town of Newbern, and thence upward to Stone's Mill, across Contentnea Creek and Little River, any dam, stand Weir, or hedge nor fix or cause to be fixed across the channels of said rivers or creek, any seine or net, so as to obstruct the free passage of fish up the said rivers or creeks under the penalty of five hundred dollars to be sued for and recovered before any jurisdiction having cognizance thereof, one half to the use of the informer and the other half to the use of the poor of the county where such recovery shall be had.

II. *And be it further enacted*. That between the 15th day of February and the 25th day of April, in each and every year, no free person shall fish with a seine, or drag net, in said rivers or creeks between the hours of twelve o'clock on Saturday night, and twelve o'clock on Sunday thereafter following—under the penalty of fifty dollars for each and every offence, to be recovered before any jurisdiction having cognizance thereof,



one half to the use of the person suing for the same, and the other half to the use of the poor of the county.

III. *And be it further enacted*, That every person offending against the provisions of this act shall be further subject to indictment in any court of the county, and upon conviction shall be fined in a sum of not less than twenty dollars and not more than one hundred dollars and be imprisoned at the discretion of the court, not exceeding two months.

IV. *And be it further enacted*, That if any slave or slaves shall offend against the provisions of this act, and shall be thereof convicted before any Justice of the Peace for the county in which such offence shall have been committed, he, she, or they so convicted, shall receive thirty nine lashes upon his or her bare back, and the owner of such slave shall pay the costs of prosecution.

V. *And be it further enacted*, That an act to prevent any person or persons from workingsins or skimming with nets in Neuse River on Sundays, and Sunday nights, from the 15th day of January to the 25th day of April in each and every year, passed in 1809 be and the same is hereby repealed.

#### CHAPTER CIV.

An Act relative to the appointment of County Trustee for the county of Brunswick and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be the duty of the Court of Pleas and Quarter Sessions for the county of Brunswick, (seven Justices at least being present) to appoint a County Trustee for said county, which shall take place on Tuesday of next January Term of said court and forever annually thereafter on the same day of said Court, and under the same rules, regulations and restrictions as heretofore prescribed by law, except, that seven justices shall always be competent to make the said appointment.

II. *And be it further enacted*, That it shall in future be the duty of the clerks of the Superior and County Courts of Brunswick upon the application of any Juror who served as such in any court of which they are clerk, to deliver to the Juror so applying a ticket, specifying the number of days which he served, the number of miles travelling to and from the Court House; the ferriage which he is entitled to (if any) and the clerk's legal fee for issuing such ticket: All which shall be added up, and the amount thereof ascertained agreeably to the existing laws for such services, and the same shall be correctly numbered and dated and delivered to the Juror so applying upon his making oath before the clerk, and to be by him administered that the number of days which he served as Juror, and the mileage to and from court and ferriage (if any) as specified in his ticket is just and true to the best of his knowledge and belief: And when any ticket shall be thus authenticated it shall be considered as a legal county claim, and shall be paid by the County Trustee agreeably to its number and date.

III. *And be it further enacted*, That it shall hereafter be the duty of the County Trustee of Brunswick to attend each of the Jury Courts of said County for the purpose of paying off the Jurors, as specified in this act;



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and the Court of Pleas and Quarter Sessions of said County, may (if they think proper) make compensation to the Trustee for his attendance at the courts for that purpose.

IV. *And be it further enacted*, That all acts and clauses of acts coming within the meaning and purview of this act, be, and the same are hereby repealed.

## CHAPTER CV.

An Act to incorporate the New Salem Library Society.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the members of a society lately established in the county of Randolph for the purpose of promoting Religion, and aiding the progress of learning and science, be and they are hereby incorporated into a body politic and corporate by the name and style of the New Salem Library Society, and by that name shall have succession, be capable in law and equity to sue and be sued, plead and be impleaded, and have a common seal, they shall have full power to hold all such books and apparatus for the use of said society as they may acquire either by purchase, donation or devise, and to transfer the same at pleasure. To purchase one acre of land in or near the said town of New Salem, and erect such buildings thereon as may be deemed necessary for the convenience and comfort of the said Society in the transaction of business, to make bye laws, rules and regulations for the well ordering and good government of said society; and to do and perform all such other matters and things as other bodies corporate and politic of the like nature are usually authorized to do, not inconsistent with the constitution and laws of this State or the United States.

II. *And be it further enacted*, That this act shall be and remain in force until the year one thousand eight hundred and fifty and no longer.

## CHAPTER CVI.

An act to repeal an act passed in the year 1817, altering the mode of appointing Patrols in the county of Columbus.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the act passed in the year 1817, altering the mode of appointing Patrols in the county of Columbus, be, and the same is hereby repealed; and that all Patrols who may in future be appointed in said county, be appointed in the same manner and under the same rules, regulations and restrictions as the act prior to the act of 1817 prescribes, any law to the contrary notwithstanding.

## CHAPTER CVII.

An Act to incorporate the Allemanee Library Society in the County of Guilford.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the members of an Institution lately formed in the County of Guilford for the purpose of procuring and establishing a circulating Library of useful books, be, and they are hereby incorporated into a body corporate and politic by the name and style of the Allemanee Library Society, and by that name may sue and be sued, plead and be impleaded, have succession and a common estate in such books, pamphlets and papers or other property as they may acquire either by purchase, donation or otherwise.



II. *And be it further enacted*, That Isaiah M'Bride, Sampson Stuart, Walter M'Connell, James Nealey, John Allison, Levi Houston and Jedediah Cuzic be, and they are hereby appointed a committee for, and on behalf of the members of the said society, and they and their successors in office shall have full power and authority, to make, ordain and enforce such bye laws, rules and regulations for the good management and safe keeping the books and other property of the said society as they may from time to time think expedient and proper.

#### CHAPTER CVIII.

An Act to appoint commissioners to lay off and establish the dividing line between the counties of Perquimons and Gates.

Whereas, the dividing line between the counties of Perquimons and Gates have not heretofore been sufficiently described, either by actual surveys, or by known and fixed boundaries, whereby it becomes expedient in order to prevent disputes between the inhabitants of said counties, that the said dividing line should be more accurately ascertained and laid off,

*Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Willis Riddick and Langley Billups, of the county of Perquimons, and Joseph Gordon and Joseph Riddick of the county of Gates, be, and they are hereby appointed commissioners with full power and authority to lay off, extend and mark the line between the said counties, due regard being had to the former reputed line.

II. *And be it further enacted*, That the said commissioners shall appoint such surveyor, chain carrier and other attendance as shall be necessary for the marking, extending and establishing the said line, and shall make or cause to be made a return of their proceedings to each of the Courts of Pleas and Quarter Sessions of the said counties, to be deposited and kept among the records thereof, and the said lines when so extended, and laid off, shall forever thereafter be established, and confirmed as the dividing line between the said counties.

III. *And be it further enacted*, That the said commissioners, surveyor, chain carriers and attendants, shall receive such compensation for their services as the Courts of Pleas and Quarter Sessions of the said counties shall deem just, to be paid out of the monies levied and collected for the said counties.

#### CHAPTER CIX.

An Act to appoint a committee of finance for the county of Cumberland.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the county Court of Pleas and Quarter Sessions for the county of Cumberland, at their first session after the first day of January annually, to appoint three competent and respectable men to be denominated a committee of finance, whose duty it shall be to call upon all public officers of said county, who may have been receivers of county monies, and to make settlement with said officers at least once in every year, after giving them ten days notice of the time and place of said settlement.

II. *And be it further enacted*, That if any officer as aforesaid shall re-



fuse or neglect, without sufficient cause therefor, to appear before said committee according to said notice and make settlement, such officer shall forfeit and pay the sum of one hundred dollars, one half to the use of the county, and the other half to the use of the committee aforesaid, to be recovered before any jurisdiction having cognizance thereof.

III. *And be it further enacted*, That any two of the said committee shall be competent to do any business by this act confided to them : And they shall receive as a compensation for their services a sum at the discretion of said court, not exceeding four nor less than two dollars each, per day, during the time engaged in the duties required by this act, to be paid out of any money belonging to said county.

IV. *And be it further enacted*, That the said committee shall make out two fair statements of each and every settlement made, one of which shall be filed and recorded in the Clerk's office of said county, the other to be kept by the committee.

V. *And be it further enacted*, That the said committee shall recommend to the said court the laying a tax for paying the jurors of said county, which in their estimation, may be sufficient to answer that purpose, not exceeding twelve and a half cents on every poll, and a proportionate sum on other species of taxable property.

VI. *And be it further enacted*, That before entering upon the duties of their appointment the said committee shall severally take the following oath, to wit ; I, A. B. do solemnly swear that I will do equal and impartial justice to individuals and the county, in the performance of all duties required of me as one of the committee of finance for Cumberland county, according to the best of my skill and judgment, so help me God.

## CHAPTER CX.

An act concerning the Turnpike Road, leading from Ashville by the Warm Springs, to the Painted Rock.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the charter for the Turnpike Road leading from Ashville by the Warm Springs to the Painted Rock, be, and the same is hereby continued in force and extended the term of five years from and after the existing charter, so far as respects that part of said road of which James Allen is the present proprietor, and the said Turnpike shall be kept in the same repair, and the proprietor thereof be subject to the same rules and restrictions, fines and penalties and be allowed to take the same rates and tolls during the said extended term as are now prescribed by law in the present charter.

II. *Be it further enacted*. That the county court of Buncombe, be, and they are hereby authorised annually to appoint two commissioners, who before entering on the duties of their appointment shall take an oath in open court, or before some justice of the peace for said county, that they will act faithfully and impartially as commissioners of said Road, and perform the duties enjoined on them by this act relative to the said Road: And the said commissioners when thus qualified, shall view the said Road at least four times in each and every year; and when they shall find the same out of repair the said commissioners shall have power to cause the said Turnpike Gate to be kept open, until the same is put in good repair.

III. *And be it further enacted*, That whenever the said Road shall be out of repair, it shall be the duty of the said commissioners to give infor-



mation thereof to the grand jury for the superior court of law for the county of Buncombe, which court shall have exclusive jurisdiction of all prosecutions against the owners of Turnpikes on said Road.

### CHAPTER CXI.

An act to repeal an act passed in the year 1817, entitled "an act to increase the fees of the Registers of the counties of New-Hanover, Cumberland, Brunswick, Carteret and Craven," so far as it relates to the county of Carteret.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That so much of the above recited act as relates to the county of Carteret be, and the same is hereby repealed.

II. *Be it further enacted,* That from and after the passing of this act, the Register of the county of Carteret, shall be authorised to ask, demand and receive the same fees that were by law established before the passage of the above recited act, any law to the contrary notwithstanding.

### CHAPTER CXII.

An act concerning the county of Cumberland.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That John A. Cameron, John Dickson and Benjamin Robinson Esqs. be, and they are hereby appointed commissioners to sell on a credit of six and twelve months, a lot in the town of Fayetteville, situate on Maiden lane in said town, on which the old Court House formerly stood, and apply the proceeds of such sale to the repair of the present Court House in said town.

II. *And be it further enacted,* That the deed of said commissioners shall vest a good and sufficient title in the purchaser or purchasers of said lot.

### CHAPTER CXIII.

An act to authorise Frederick I. Cox of Craven county, to erect a bridge across Neuse River.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Frederick I. Cox, to erect a bridge across Neuse river either on his own account or with such persons as he may associate with him, either at his ferry or at any place where he may own the land, within two miles of his said ferry, and when the said bridge shall be completed, it shall be lawful for the proprietors of said bridge to erect a toll gate thereon or on some part of the road leading thereto.

II. *And be it further enacted,* That the rates of toll shall be as follows, viz. on all waggons for passing said bridge, sixty cents, each and all four wheeled carriages of pleasure, fifty cents, on all two wheeled carriages of pleasure, twenty five cents, on all carts twenty five cents, on a man and horse five cents, on every loose horse five cents, on every head of cattle two cents, and on hogs and sheep one cent each, and that no toll be levied on footpassengers.

III. *And be it further enacted,* That if the said bridge is not erected at the ferry of said Cox, the courts of pleas and quarter sessions of Craven or Lenoir counties, upon the petition of said Cox or his assigns and associates, shall order the Sheriff of their respective counties, to summon a jury or juries of good and lawful men, to lay off a road from the foot of



said bridge, to some convenient place of intersection with the road leading to Kinston; and should said road be laid off through the lands of any other person than the proprietor of said bridge, to assess such damages as the owners of said land may sustain thereby, to be paid by the proprietors of said bridge, and upon its appearing to the satisfaction of the county court of Craven or Lenoir, in which the said road may run, that the said road is a good and sufficient one, and in good repair, the same shall thenceforth become a public road.

IV. *Be it further enacted*, That when said bridge shall be built as aforesaid, the proprietors thereof for the time being, shall keep the same in good and sufficient repair, under the like penalty as other keepers of public bridges by the laws of the State.

#### CHAPTER CXIV.

An act to attach part of Hyde county to Beaufort county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That all that part of the county of Hyde, which lies upon the west side of Pungo river, be, and it is hereby added to, and made a part of the county of Beaufort

II. *Be it further enacted*, That the Sheriff, Coroner and Constables of Hyde county, who have began the execution of any process in their hands, against persons or property in that part of Hyde county hereby added to Beaufort county, shall have the same power and authority to compel the execution of said process, as if this act had never passed.

#### CHAPTER CXV.

An act to annex part of Craven county, to the county of Lenoir.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That all that part of Craven county lying above Moseley's Creek, be, and the same is hereby annexed to, and shall hereafter be considered as forming part of the county of Lenoir: *Provided*, That nothing herein contained shall be so construed as to prevent the Sheriff of Craven county, from collecting all monies due for taxes or otherwise by the inhabitants in that section of the said county, any law to the contrary notwithstanding.

#### CHAPTER CXVI.

An act to revive and continue in force an act passed in 1810, entitled "an act to incorporate a company for the purpose of clearing out and making navigable Meherrin river

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the said recited act and every part thereof shall be, and remain in full force. *Provided*, the company incorporated thereby, shall complete the navigation of said river within seven years from the passing of this act; *And provided moreover*, that this act shall not take effect unless a similar act shall have been, or shall be enacted by the General Assembly of Virginia.

#### CHAPTER CXVII.

An act directing the time of appointing a county trustee for Rowan county.

*Be it enacted by the General Assembly of the State of North Carolina,* That hereafter the justices of Rowan county shall annually appoint a county trustee at the court they elect the Sheriff of said county.



## LAWS OF NORTH-CAROLINA.

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### CHAPTER CXVIII.

An act to repeal certain parts of three acts concerning patrollers, one passed in the year 1794, one other in the year 1802 and the other in the year 1816, so far as relates to the county of Edgecombe.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the above recited acts as exempts patrollers from serving on juries, working on roads, from the payment of all parish and county taxes to the amount of forty shillings, and that authorises the court of pleas and quarter sessions to lay a tax on the black poll, for the purpose of paying patrollers by them appointed, be, and the same is hereby repealed so far as relates to the county of Edgecombe: *Provided however,* That none other than owner or overseers of slave or slaves shall be compelled to serve as patrollers.

### CHAPTER CXIX.

An act to authorize the building a house for the use of the clerks of the several courts in the county of Burke

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the clerk and Master in Equity, the clerk of the Superior Court of law and the clerk of the court of Pleas and Quarter sessions for the county of Burke, be and they are hereby authorized and permitted, to cause to be built on such part of the public square in the town of Morganton, as the commissioners of said town may direct, a house of such dimensions and such number of apartments and fire places as all the said clerks may agree upon for their convenience, and the said house when finished shall be appropriated to the exclusive purposes of clerks offices and to no other purpose whatsoever.

II. *And be it further enacted,* That the building of the house aforesaid shall be at the sole and joint expense of the clerks of the several courts before mentioned.

### CHAPTER CXX.

An act to authorise the commissioners of the town of Hookerton in Greene county, to purchase a site for erecting a house of public worship, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the commissioners of the town of Hookerton in Greene county, be, and they are hereby authorised to purchase in the town of Hookerton, or its immediate vicinity, a site for the erection of a Church or House of Public Worship, of not more than one acre, *provided,* they shall be able to raise by subscription a sum sufficient to defray the expences accruing from the same, and if not, then the said commissioners shall be, and they are hereby authorised to appropriate any part of the public square of said town, not exceeding half an acre to the said purposes, and the said commissioners are hereby authorised to ask, demand, sue for and recover all sums of money which may be subscribed by individuals for the purposes aforesaid.

II. *Be it further enacted,* That when the said commissioners shall have completed a Church or House of public worship, pursuant to the provisions of this act, such Church so erected, shall be free for all denominations of Christians, under such rules, regulations and restrictions as



may be established by said commissioners, *Provided* the said commissioners shall not by any regulation exclude any religious sect from an equal number of days on which they are to have the use of said Church as near so may be.

#### CHAPTER CXXI.

An act authorising the wardens of the poor of Wake, Craven and Jones counties, to lay such tax as may be necessary for the support of the poor of said counties.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That after the passing of this act, the wardens of the poor for the counties of Wake, Craven and Jones, at the first court by them held, after the first day of May in each and every year, (two thirds of said wardens being present,) shall have full power and authority, to lay such tax upon the taxable property in said counties, and such tax upon the polls as shall be sufficient for the support of the poor of said counties: and also to lay an additional tax, (if necessary,) for the discharge of the arrears due on account of the poor for any former year, any law to the contrary notwithstanding.

#### CHAPTER CXXII.

An act to appoint commissioners to contract for building a new Court House, in the county of Randolph, and for other purposes.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same* That Alexander Gray, Elisha Mendenhall, Shubal Gardner, Benjamin Elliot and John Long Esquires, be, and they are hereby appointed commissioners to contract for, and superintend the building of a new Court House in said county, in the town of Ashborough, and for that purpose they are hereby vested with full power and authority to sell the present Court House in the town of Ashborough, on such credit as to them may appear proper; to be given possession of to the purchaser as soon a new Court House shall have been completed; and to be removed by the purchaser from the public square in said town as soon as conveniently can be.

II. *Be it further enacted,* That the said commissioners or a majority of them, be, and they are hereby authorised and empowered to contract with any person or persons for building a new Court House, on the public square in the town of Ashborough, upon such terms, of dimensions and of such materials as they may think proper:

III. *Be it further enacted,* That it shall be the duty of the said commissioners, to apply the money arising from the sale of the old Court House, towards defraying the expences which may be incurred by the provisions of this act.

IV. *Be it further enacted,* That it shall be the duty of the county court of said county, a majority of the acting justices being present, to lay a tax not exceeding three cents on every hundred dollars value of land, ten cents on the poll and three cents on every hundred dollars value of town property, (to be levied, collected and accounted for as other taxes,) for the year 1820 and for every succeeding year, until a sufficient sum shall have been raised to defray the whole expense accruing from the provisions of this act, which tax when collected, shall annually be paid over by the county trustee of said county, to the commissioners named in this act or to some person authorised by them or a majority of them, to receive the same.



## CHAPTER CXXIII.

An act to appoint commissioners to complete running and marking the dividing line between Chowan and Perquimons counties.

*Be enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That James Skinner and Willis Elliot of the county of Chowan, and John Nixon, and William Goodwin of the county of Perquimons, are hereby appointed and authorised commissioners to complete running and marking the dividing lines between the counties of Chowan and Perquimons, and to appoint a surveyor, chain carriers and assistants at their discretion, for the effecting said division and marking.

II. *Be it further enacted,* That they shall commence running at the bridge in the lane called James Hataway's Senr. and run a direct course to Caleb Goodwin's bridge in Bear swamp, from thence a direct course to where the crane pond crosses the sandy ridge road, thence up the sandy ridge road to where the Gates county line crosses the said road.

III. *Be it further enacted,* That the said commissioners shall cause to be made correct copies of their survey; one of which shall be filed in the Secretary's office and one in each of the Clerks offices of the court of pleas and quarter sessions in the counties of Chowan and Perquimons.

IV. *Be it further enacted,* That the expense of running and marking said lines and the making of the reports, shall be equally paid by the counties of Chowan and Perquimons; any law to the contrary notwithstanding.

## CHAPTER CXXIV.

An act to appoint commissioners to run and establish the dividing line between the counties of Duplin and Onslow.

WHEREAS considerable difficulty hath arisen with the wardens of the poor for the counties of Duplin and Onslow, respecting the maintainance of certain parishioners belonging to said counties, in consequence of the dividing line between said counties never having been ascertained; to remedy which,

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Hugh Maxwell and John Farrier Esquires, of the county of Duplin, and Jason Gregory and Averett Simmons Esquires, of the county of Onslow, be, and are hereby appointed commissioners to run and establish the dividing line between the counties of Duplin and Onslow, as soon as may be practicable after the passage of this act.

II. *And be it further enacted,* That the said commissioners shall make a report of their proceedings to their respective county courts of Duplin and Onslow aforesaid, which report shall be filed in the Clerks office of said counties.

III. *And be it further enacted,* That the said line so established by the commissioners aforesaid, shall be the permanent line between the said counties of Duplin and Onslow, and shall govern all controversies that shall or may have arisen in either county concerning said line.

III. *And be it further enacted,* That the county courts of said counties of Duplin and Onslow, shall at the first court after running of said line, allow their commissioners, respectively, what compensation they may deem proper, for their services in running and establishing said line.



## LAWS OF NORTH-CAROLINA;

## CHAPTER CXXV.

An act changing the stock in the Dismal Swamp Canal Company, from real to personal estate.

WHEREAS it has been represented to this General Assembly, by the stockholders in the dismal swamp canal company, that great inconvenience has been experienced in the transfer of stock in the dismal swamp canal company, and the price or value of the stock greatly diminished by reason of its being considered real estate, for remedy whereof,

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the shares or stock in the dismal swamp canal company, shall henceforth be deemed, taken and considered, both in law and in equity as personal estate, and as such, transferable in such manner and form as the president and directors of said company shall prescribe; *Provided,* That this act shall not be so construed as to affect the rights of infants already vested.

II. *Be it further enacted,* That this act shall commence and be in force, as soon as a similar act shall be passed by the Legislature of Virginia.

## CHAPTER CXXVI.

An act to appoint commissioners to run and establish the dividing line between the counties of Duplin and Lenoir.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Daniel Glisson and Edward Albertson of Duplin county, and Joel Hines and Job Leary of Lenoir county, be, and they are hereby appointed commissioners for the purpose of running and establishing the dividing line between the counties aforesaid, and they are also authorised to appoint one surveyor from each of the aforesaid counties with such number of markers and chain carriers as they may deem necessary, and when the said commissioners shall have completed the same in the manner which a majority thereof may prescribe two fair plats or representations of the said dividing line shall be by them made out, and returned to the Clerks office of the respective counties aforesaid, and the same shall be entered on the records thereof; and the said line so run and established, shall forever thereafter be considered the permanent dividing line between the said counties.

II. *And be it further enacted,* That the courts of pleas and quarter sessions of the counties aforesaid, shall make adequate compensation for the services performed pursuant to this act.

## CHAPTER CXXVII.

An act to authorise Nathan Horton to surrender his turnpike road to the State.

*Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same,* That Nathan Horton shall be, and he is hereby at liberty to surrender to the State, his turnpike road at any time hereafter, when he may think proper to do so: *Provided however,* That the said Nathan Horton shall not be entitled to receive any compensation from, nor pay any thing to the State, for and on account of said surrender.

II. *And be it further enacted,* That all acts and clauses of acts which come within the meaning and perview of this act, shall upon the surrender aforesaid being made, be repealed and made void.



## CHAPTER CXXVIII.

An Act to incorporate the Camden Bible Society.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the officers and members of the Camden Bible society and, those who may be hereafter associated with them, are hereby incorporated into a body politic and corporate by the name and style of the Camden Bible Society, and by that name shall have perpetual succession: And be able and capable in law and in equity, to sue and be sued, plead and be impleaded in all cases where the same may be necessary, and are also empowered to adopt such rules, regulations and bye laws as they may deem necessary for the promotion and government of the same, not inconsistent with the laws and constitution of the State.

## CHAPTER CXXIX.

An Act to repeal an act passed in the year 1810, so far as it relates to the payment of Talismen in the county of Carteret.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of an act of the General Assembly passed in the year of our Lord one thousand eight hundred and ten, as makes compensation to Talismen in Carteret and Richmond county, be and the same is hereby repealed, so far as it respects the county of Carteret.

## CHAPTER CXXX.

An Act to repeal an act passed last session, entitled 'an act to authorize the Courts of Pleas and Quarter Sessions of Craven and Cumberland counties to appoint special justices of the peace and making compensation to such justices for certain services,' so far as the same relates to Cumberland county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the above recited act as relates to the county of Cumberland, be and the same is hereby repealed and made void: *Provided,* That nothing here-in contained shall be construed to repeal the power of the special justices appointed within the limits of the town of Fayetteville.

## CHAPTER CXXXI.

An act to incorporate John Louis Taylor Lodge No. 70, in Currituck county.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Master, Wardens and Members, who at present or in future may be of John Louis Taylor Lodge No 70, in the county of Currituck aforesaid, are hereby constituted and declared to be a body corporate, under the name and title of John Louis Taylor Lodge No 70, and by such name shall have perpetual succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property and pass all such bye laws and regulations as shall not be inconsistent with the constitution and laws of this State or of the United States.

## CHAPTER CXXXII.

An act to increase the fees of the Surveyor of Currituck county:

*Be enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the sur-



veyor of Currituck county be, and he is hereby authorised to demand and receive the sum of three dollars, for each and every day he may be employed in the discharge of his duties as such; *Provided however*, That this act shall not be construed to embrace cases wherein he may be employed in laying off Widow's Dower which shall remain as heretofore.

#### CHAPTER CXXXIII.

An act to repeal an act appointing a Comptroller for the county of Rutherford.

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the act of Assembly of one thousand seven hundred and ninety nine, as appoints a comptroller for the county of Rutherford, be, and the same is hereby repealed.

#### CHAPTER CXXXIV.

An act to repeal an act passed at the last session of the General Assembly entitled "an act to increase constables fees in certain counties therein named."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the act of the General Assembly, passed at the last session entitled, "an act to increase Constables fees in certain counties therein named, be, and the same is hereby repealed.

#### CHAPTER CXXXV.

An act to authorise the representatives of Robert Fellow late of Wayne county deceased, to collect the arrears of taxes due him.

WHEREAS Robert Fellow late Sheriff of Wayne county, has died without completing the collection of the taxes of his county.

*Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the administrator or executors of Robert Fellow late Sheriff of Wayne county, be, and they hereby are authorised to collect all taxes due in Wayne county, which the said Robert Fellow would be authorised to collect, were the said Robert Fellow now living.

#### CHAPTER CXXXVI.

An act compensating the Sheriff of Wake, for attending the Supreme court.

*Be it enacted by the General Assembly of the State of North-Carolina; and it is hereby enacted by the authority of the same*. That the Sheriff of the county of Wake, shall be allowed for attending the Supreme court of this State, in lieu of the compensation heretofore granted by law, the sum of two dollars per day for every day that the said court shall be in session, to be paid by the Treasurer of the State, upon the certificate of the Clerk of said Court.

II. *And be it further enacted*, That this act shall be in force from and after its ratification, and shall apply to the compensation of the said Sheriff for attending at the present term of said court.

#### CHAPTER CXXXVII.

An act directing what number of jurors shall in future be drawn to serve in the Superior Courts of Law and Courts of Pleas and Quarter Sessions, for the county of Edgecombe.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the several



courts of pleas and quarter sessions held in the county of Edgecombe, may draw any number of jurors not exceeding forty eight, nor less than thirty to serve in the superior and county courts of said county.

CHAPTER CXXXVIII.

An act to incorporate Williams Lodge No. 66, Currituck county.

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Master, Wardens and Members, which at present are, or in future may be of Williams Lodge No. 66, in Currituck county, are hereby constituted and declared to be a body corporate, under the name and title of "Williams Lodge No 66, and by such name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, acquire and transfer property and pass all such bye-laws and regulations, as shall not be inconsistent with the Constitution and Laws of this State or of the U. States.

CHAPTER CXXXIX.

An act giving further time to the inhabitants of Currituck county, to make surveys and perfect titles to lands entered therein.

WHEREAS it is represented that in the county of Currituck, there is no person holding the office of county surveyor, whereby the inhabitants of said county are prevented from getting their lands surveyed and titles to the same perfected, therefore,

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That a further time of one year, be, and the same is hereby allowed to the inhabitants of Currituck county, to cause to be surveyed and perfected into grants all lands by them heretofore entered in the entry takers office of said county, any law, usage or custom to the contrary notwithstanding.

Read three times and Ratified in General Assembly, }

The 24th day of December, A. D. 1819.

B. YANCEY, S. S.

R. M. SANDERS, S. H. C.

A true Copy,

WM. HILL, Secretary.



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